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Security Council

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Wednesday, 18 November 2009, 10.20 a.m.
New York

President:	Mr. Mayr-Harting	(Austria)
Members:	Burkina Faso	Mr. Kafando
	China	Mr. Liu Zhenmin
	Costa Rica	Mr. Urbina
	Croatia	Mr. Skračić
	France	Mr. Araud
	Japan	Mr. Takasu
	Libyan Arab Jamahiriya	Mr. Dabbashi
	Mexico	Mr. Puente
	Russian Federation	Mr. Churkin
	Turkey	Mr. Apakan
	Uganda	Mr. Rugunda
	United Kingdom of Great Britain and Northern Ireland	Sir Mark Lyall Grant
	United States of America	Ms. DiCarlo
	Viet Nam	Mr. Le Luong Minh

Agenda

The situation in Somalia

Report of the Secretary-General pursuant to Security Council resolution 1846 (2008) (S/2009/590)

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09-61200 (E)

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The meeting was called to order at 10.20 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in Somalia

Report of the Secretary-General pursuant to Security Council resolution 1846 (2008) (S/2009/590)

The President: I should like to inform the Council that I have received letters from the representatives of Norway, the Philippines, Seychelles, Somalia, Spain, Sweden and Ukraine, in which they request to be invited to participate in the consideration of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the consideration of the item, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Duale (Somalia) took a seat at the Council table; the representatives of the other aforementioned countries took the seats reserved for them at the side of the Council Chamber.

The President: In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Ahmedou Ould Abdallah, Special Representative of the Secretary-General and head of the United Nations Political Office for Somalia.

It is so decided.

I invite Mr. Ould Abdallah to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/2009/590, which contains the report of the Secretary-General pursuant to Security Council resolution 1846 (2008).

At this meeting, the Security Council will hear a briefing by Mr. Ahmedou Ould Abdallah. I now give him the floor.

Mr. Ould Abdallah: I should like to start by thanking the Council for its continued interest in and attention to the situation in Somalia, and specifically to the issue of piracy there.

I should like to make it clear from the beginning that piracy is, first and foremost, a very successful business with outlets in the region and beyond. It is therefore very important that we see it as it is — a criminal activity.

Following the adoption of resolution 1846 (2008), we have been working with a number of organizations within the United Nations system, our colleagues in Vienna and here at Headquarters, and other United Nations entities, including the World Food Programme and the United Nations Development Programme (UNDP), to follow up events in Somalia.

The deployment of naval ships and military aircraft to suppress piracy and armed robbery at sea off the coast of Somalia, as well as better self-protection of ships transiting the area, have considerably reduced the number of successful incidents in the region, especially in the Gulf of Aden. This expanding maritime presence is playing a critical role in stabilizing the situation at sea, and there is no doubt that the number of successful attacks would increase again if these military assets were reduced. The naval escorts protecting World Food Programme shipments are providing crucial protection for the delivery of humanitarian aid to Somalia.

At the same time, the number of pirate attacks has in no way diminished; the threat remains and, in some ways, is becoming more entrenched as more sophisticated methods are being adopted and attacks are taking place further out at sea. However, this is a further financial cost to the pirates and their criminal business — a risk they are nevertheless still ready to take because they see it as worthwhile.

We have to recognize that the international maritime presence has dealt a serious blow to the financial profitability of this criminal activity. Therefore the approach to combating piracy cannot be limited to the containment of the problem by international naval forces alone, no matter how successful — and I do consider it to be successful. This

fight must be part of an overall plan which includes building regional capacity, on the one hand, and dealing with the root causes, on the other.

In addition to various bilateral initiatives being undertaken by Member States, regional capacity-building is also being carried out through the International Maritime Organization (IMO), a specialized United Nations agency steering the implementation of the Djibouti Code of Conduct. The Code of Conduct aims to establish a cooperation framework among regional States combating piracy at both the operational and the legal levels. This covers interdicting ships suspected of piracy, information-sharing among regional States, and the prosecution of suspected pirates. Piracy's root causes are being addressed by my Office and my colleagues in the United Nations system, whose joint action focuses on establishing sustainable peace, effective governance, creating capable rule of law and security institutions, and — as far as possible — offering the Somali people lawful alternatives to piracy and banditry. I would like to address these issues in more detail.

The report before the Council (S/2009/590) highlights the role played by IMO in promulgating guidance for Governments, seafarers and the global maritime industry in suppressing piracy and armed robbery against ships, and in developing and implementing a regional strategy for the western Indian Ocean and the Gulf of Aden. This is the essence of the Djibouti Code of Conduct, which has been signed by 10 States of the region. IMO and its member States have long recognized that piracy is a symptom of the lack of effective Government and the rule of law ashore. With this aspect in mind, IMO has been working actively, in partnership with the United Nations Office on Drugs and Crime (UNODC) in Vienna and other United Nations bodies, INTERPOL and navies, to develop regional States' capacities to enforce the law at sea and, in particular, to counter piracy and armed robbery against ships in waters off the coast of Somalia.

On the prosecution of suspected pirates caught by the international naval forces operating off the coast of Somalia, UNODC has been providing assistance to regional States. Although all agencies agree that the ideal solution to the trial of pirates is a fair and effective court system in Somalia, that goal is still out of reach. Therefore, UNODC and the Office of Legal Affairs here at Headquarters are leading on the best alternative: ensuring trial within a sound legal framework in other regional States.

Through the delivery of support directly to the police, prosecutors, courts and prisons of Kenya and Seychelles, UNODC is creating the conditions in which the arresting States are content to pass suspects over for trial and improving overall criminal justice and standards. The programme is being expanded to other regional States through the conduct of legal assessments and the delivery of assistance and, in partnership with UNDP, will develop the prisons — and later the prosecutors and police investigators — in some entities within Somalia, such as Somaliland and Puntland, to create the conditions in which pirates convicted outside Somalia can be returned home to serve their prison sentences. The United Nations plans to implement high-impact interventions, primarily in Puntland. Civilian policing performance and infrastructure — especially communications — in the strategic corridor from Bossaso to Galkayo through Qardho and Garowe will be and should be strengthened. After that, by the middle of next year, Puntland authorities should roll out police services to the rural and coastal areas.

In addition to the United Nations working closely to contain and combat the root causes of piracy, the United Nations has been closely working with INTERPOL, whose law enforcement strategy to combat maritime piracy is threefold: to increase intelligence-sharing, build regional police capacity and cooperate with other international and regional organizations. The goal is to support efforts to identify, arrest and prosecute pirates, trace and seize ransom monies and disrupt criminal networks.

The first priority has been promoting information-sharing with all police and non-police organizations, including the United Nations and naval and shipping industry partners. The INTERPOL I-24/7 global secure communications network is designed to facilitate this type of collaboration, and INTERPOL is helping to expand access to I-24/7 in the region. INTERPOL is also working with a number of Governments, including the United States and the United Kingdom, on maritime piracy financial investigations, and will host a maritime piracy conference early next year.

I would like also to welcome the proposal made by the regional body, the Intergovernmental Authority

on Development (IGAD), to establish a blockade of known ports that are supporting piracy. I believe that that measure should send a clear message to the criminals behind the small ports — because some port facilities are in fact small and harmless — that they cannot keep defying the law and getting away with it.

In conclusion, I would like to stress that any long-term effort to address lawlessness at sea must be complementary to the current political, security, recovery and development efforts already being undertaken by the United Nations and the African Union Mission in Somalia. In this regard I welcome the intention of the Contact Group on Piracy off the Coast of Somalia to coordinate its initiatives with the International Contact Group on Somalia. Piracy is a symptom of wider problems ashore in Somalia. The only sustainable solution will be effective governance, the establishment of the rule of law and security institutions and the creation of alternative livelihoods in Somalia for stable and inclusive economic growth. In the present Government we have a credible and legitimate partner with whom to work to achieve this. It needs more assistance to do so.

The President: I thank Mr. Ould Abdallah for his briefing.

I shall now give the floor to members of the Security Council who wish to make statements.

Sir Mark Lyall Grant (United Kingdom): I would like to thank the Special Representative of the Secretary-General, Mr. Ould Abdallah, for his realistic briefing and for introducing the report of the Secretary-General pursuant to Security Council resolution 1846 (2008) (S/2009/590). The United Kingdom expresses its appreciation of the contribution of the United Nations and its agencies to this effort, including the Special Representative and his team.

The United Kingdom also welcomes the achievements of the Contact Group on Piracy off the Coast of Somalia in coordinating the efforts of the international community to address piracy in the region and the constructive contribution being made to these efforts by the Transitional Federal Government and the regional authorities of Somalia. We are pleased to lead work in the Contact Group on operational coordination and regional capacity development.

The level of coordination being achieved in the region by naval forces from a wide range of States is unprecedented and impressive. Close cooperation among these forces, in particular the establishment of patrolling of the internationally recommended transit corridor in the Gulf of Aden, has managed to ensure that only one ship following that route and adhering to agreed best practice has been hijacked in the Gulf since December 2008. The statistics in the Secretary-General's report on the protection of World Food Programme aid and the supplies of the African Union Mission in Somalia (AMISOM) underline the successful role of the military operations in safeguarding essential shipping. But we cannot underestimate the significant challenge that we face. Even though the proportion of successful attacks continues to fall, the overall number of pirate attacks continues to increase, and 11 ships and 254 crew members are currently hijacked.

Pirates are now willing to venture further out to sea in search of targets, and to counter that, we need a different type of military response, led by intelligence. The military commanders know what they need in terms of military capability, and the international community must help to deliver it. But one message from the military commanders remains consistent. They are shocked by the lack of adherence by sectors of the merchant shipping community to the guidance that is given by the International Maritime Organization and industry bodies. Estimates suggest that a quarter of merchant shipping fails to follow this guidance. That failure makes them much easier targets. We have joined other major flag States in signing the New York Declaration on Best Management Practices to Avoid, Deter or Delay Acts of Piracy, and we are pressing all United Kingdom ships to adopt those practices when in the region. We urge all flag States to do the same.

The release of the Spanish fishing boat *Alacrana* earlier this week is obviously a welcome development, and we hope that all other hostages will soon be free, including British nationals Paul and Rachel Chandler, who were seized from their yacht on 23 October.

We pay tribute to Kenya for its leadership within the region in taking forward the detention and prosecution of pirates. The United Kingdom also welcomes the agreement by the Republic of Seychelles to accept pirate suspects for trial and detention. We stand ready with other partners to provide assistance to signatories of the Djibouti Code of Conduct concerning the Repression of Piracy and Armed Robbery against

Ships in the Western Indian Ocean and Gulf of Aden who have undertaken to enact national legislation to enable the prosecution of pirates. We strongly support the work being taken forward by the United Nations Office on Drugs and Crime to help the Transitional Federal Government and regional authorities of Puntland and Somaliland to deal with suspects within Somalia.

The Secretary-General's report clearly highlights the need to address the situation on land in Somalia. The Contact Group decided on a number of measures at the meeting of its working group in London this week. Donors now need to commit themselves to providing financial and technical support to Somalia and to States throughout the region, including work on governance, rule of law, justice, alternative livelihoods and strategic communications. The implementation of the Djibouti Code of Conduct remains at the heart of regional capability development, transforming regional political will into action.

Piracy is only one of the symptoms of instability in Somalia, and, as the Special Representative has said, we must also address the root causes of that instability. I pay tribute to the efforts led by the Special Representative to support the Transitional Federal Government of Somalia in developing effective political and security structures. I should like to thank AMISOM, and in particular Uganda and Burundi, its two troop-contributing countries, for their outstanding efforts to support the Government against insurgents. I hope that others will join them to bring the Mission up to full strength.

The international community has shown unity and resolve in taking action to contain the threat of piracy, but we now need to show more of the same determination and unity on shore if we are to address its roots and causes.

Ms. DiCarlo (United States of America): I, too, should like to thank Special Representative Ould Abdallah for his comments and for his efforts, and those of the staff of the United Nations Political Office for Somalia, on behalf of the Somali people. I should also like to welcome to the Council today the Permanent Representative of Somalia, Ambassador Duale.

The scourge of piracy off the coast of Somalia affects us all through increased risk to our citizens, the disruption of global commercial shipping routes and damage to property and goods. This problem shows no sign of abating. As the report of the Secretary-General (S/2009/590) notes, there were 160 instances of piracy in the East Africa area from 1 January to 30 September of this year, up from 136 during the same period last year. Many of these attacks are now shifting from the Gulf of Aden to the western Indian Ocean in response to successful naval operations in the Gulf.

The deep concern of the international community over this issue has resulted in extraordinary counter-piracy cooperation off the coast of Somalia. Dozens of States and international organizations are working together to suppress piracy and protect vulnerable ships transiting Somali waters or seeking to deliver badly needed humanitarian aid to Somalia's shores. In particular, the United States commends the efforts of the European Union's Operation Atalanta, of NATO's Operation Allied Protector and Operation Ocean Shield, and of the Combined Maritime Force's Task Force 151. We also commend the role played by individual States in these important efforts. The Shared Awareness and Deconfliction initiative has allowed for excellent operational and tactical coordination, and we thank all partners for their participation.

The Contact Group on Piracy off the Coast of Somalia has also made significant contributions to the global effort to suppress piracy, and we greatly appreciate the role that the United Nations has played here. In cooperation with the Contact Group, the United Nations Office on Drugs and Crimes and the United Nations Office of the Legal Adviser have worked to enhance the judicial capacity of States in the region. We are also grateful to the International Maritime Organization (IMO) for its work to coordinate and implement the Djibouti Code of Conduct. In this regard, we should like to acknowledge Japan's generous donation to the IMO's international trust fund.

The United States believes that the international community must continue and intensify efforts to combat piracy. We should like to raise five issues today that we think are important in this regard.

First, renewing the authority of Security Council resolutions 1846 (2008) and 1851(2008) is essential. These authorities provide a basis for ongoing counter-piracy military operations and allow Member States to prevent pirates from using Somalia's territorial waters, land and air as safe havens to evade forces in the area.

Secondly, we must continue to share information and best practices. On 10 September, the United States, along with several other flag States, signed the New York Declaration, a political commitment to ensure that vessels operating under the signatory flags implement internationally recognized best management practices for self-protection. These best practices include guidance from the International Maritime Organization, the maritime industry and flag States. We encourage other States to sign the New York Declaration and require vessels to implement self-protection measures.

Thirdly, we are concerned that ransom payments have contributed to the recent increases in piracy, and encourage all States to adopt a firm no-concessions policy when dealing with hostage-takers, including pirates.

Fourthly, the United States believes that affected States should give favourable consideration to prosecuting suspected pirates. We encourage States to enact domestic legislation to enable the prosecution of piracy as a crime in their national courts. We also urge support for regional States to enhance their capacities to prosecute and incarcerate pirates, and we encourage States to utilize the Contact Group's multi-donor trust fund. And we should especially like to commend States, in particular Kenya, that have taken the lead in prosecution.

Finally, the United States believes that a focus on Somalia's economic development, political stability and humanitarian needs is critical. Piracy is closely linked to instability, weak governance and rule of law, and a lack of opportunity on land. We strongly support efforts to assist the Transitional Federal Government in developing its institutions, including its security sector, and to boost Somalia's economy and create viable livelihoods. We also applaud the forces of the African Union Mission in Somalia that are helping to stabilize Somalia and the role of the United Nations in supporting the Somali people.

We are encouraged that Somalia is taking further initiatives to address piracy, including plans to reactivate the coast guard to help patrol Somalia's waters. The United States remains committed to working with the Transitional Federal Government and the international community to combat piracy. We laud the excellent cooperation to date and look forward to seeing it continue.

Mr. Kafando (Burkina Faso) (*spoke in French*): I thank Mr. Ahmedou Ould Abdallah for introducing the report of the Secretary-General (S/2009/590) on piracy in the context of our consideration of the situation in Somalia. Having examined the report and paid close attention to the additional information that has just been presented to us, we should like to make some observations.

Due to their frequency and modus operandi, the activities of the maritime militias off the coast of Somalia remain a source of extreme concern, making the search for a comprehensive and viable solution to the tragedy in Somalia even more difficult. The statistics given in the report are eloquent and only confirm the gravity of the problem. Of the 300 attacks that took place around the world between 1 January and 30 September, 160 occurred in the region off the coast of East Africa. This also shows the determination of the pirates in the face of the reaction of the international forces in the Indian Ocean.

Despite their limited capacities and the consequences of the civil war that has raged in the country for more than a decade, the Somali authorities, especially those of Puntland, have launched a number of initiatives to combat piracy and prosecute those responsible. We welcome these efforts, which led to the arrest and detention of more than 100 suspects in Bossaso, and we urge the Somali authorities not to let down their guard and to continue their fight against this criminal enterprise.

We also warmly welcome the mobilization of the international community in response to this scourge, and we praise the efforts made by States and international and regional organizations in this area. The role of the Intergovernmental Authority on Development deserves particular notice. We also welcome the establishment of a Contact Group and the implementation of the Djibouti Code of Conduct concerning the Repression of Piracy and Armed Robbery against Ships in the Western Indian Ocean and the Gulf of Aden.

While we may believe that the considerable reduction in the number of successful attacks, as stressed in the report, is the result of dynamic international cooperation, it is important nevertheless to bear in mind that the legal cooperation regime currently in place is an exception and should not be considered as replacing or modifying the provisions of

the United Nations Convention on the Law of the Sea, which remains the sole legal instrument relevant to counter-piracy activities.

However, we hope that the momentum of this international solidarity can go beyond mobilizing against piracy alone, and would like to see it manifest in other areas of concern to the population of Somalia, since it is clear that the proliferation of acts of piracy is directly related to the overall situation facing Somalia today. That is clear from the reports of the Secretary-General and of the Monitoring Group on sanctions, which establish, inter alia, a very clear causal link between piracy and the violation of the arms embargo in Somalia.

There is therefore no doubt that it was the meltdown of the internal situation in Somalia that gave birth to the maritime militias, which in turn have become an aggravating factor due precisely to the complicity between the pirates and the armed groups active in Somalia.

In that context, cooperation between civil and military actors in the fight against piracy must be broadened so that direct bilateral and multilateral assistance can be offered to the Transitional Federal Government (TFG). Some countries are already taking steps in that area and their example is worth following.

With that direct assistance, the Somali Government will be able to consolidate its police force and security services, exercise better control over its land and sea territories and facilitate the delivery of humanitarian assistance. Such assistance should work in tandem with the African Union Mission in Somalia (AMISOM), the only international presence on the ground and whose preponderant role has been demonstrated, but which sorely lacks the financial and logistical resources to carry out effectively its mandate and guarantee the implementation of the Djibouti Agreement.

We welcome efforts by the Secretariat to support AMISOM pursuant to resolutions 1863 (2009) and 1872 (2009), notably through its support for the African force. We also support the Secretary-General's appeal for a more substantive assistance to AMISOM so that it can continue to provide support to the Transitional Federal Government in the maintenance of peace and security.

The new dynamic created by several political parties participating in the Transitional Federal Government and establishing themselves now, in fact, in Mogadishu, is certainly something to be welcomed, but we have to act quickly to ensure that it does not crumble, which would plunge the country once again into chaos.

In conclusion, we would like to thank Mr. Ould Abdallah, Special Representative of the Secretary-General for Somalia, for his ongoing efforts on behalf of and commitment to the people and the authorities of Somalia.

Mr. Le Luong Minh (Viet Nam): I would like to begin by thanking Mr. Ould Abdallah, Special Representative of the Secretary-General for Somalia and Head of the United Nations Political Office for Somalia for his briefing and introduction of the report of the Secretary-General, as contained in document S/2009/590. I also welcome the participation of His Excellency, Ambassador Duale of Somalia in the Council's meeting today.

Viet Nam remains deeply concerned about piracy off the coast of Somalia. There has been no significant change in the number of incidents along the East African coastline, and more dangerously, there has been a recent surge of alleged attempts and attacks in the Western Indian Ocean, in which more sophisticated methods and techniques have been employed.

Against this backdrop, enhanced coordination among the international stakeholders, regional organizations and the Transitional Federal Government (TFG) is crucial so as to prevent and suppress piracy and armed robbery at sea off the coast of Somalia. We find it encouraging that Member States operating in the territorial waters and high seas off the coast of Somalia have developed complex and comprehensive military naval operations and the necessary coordination mechanisms.

We believe the Contact Group for Piracy Off the Coast of Somalia with its four supporting working groups is an effective international cooperation mechanism and a common point of contact between and among States, regional and international organizations on all aspects of the fight against piracy. Recent coordination efforts between the Contact Group and the International Contact Group on Somalia have produced tangible results. Such coordination should be encouraged and enhanced.

At the regional level, we welcome the adoption of the Djibouti Code of Conduct on the Repression of Piracy and Armed Robbery against Ships in the Western Indian Ocean and the Gulf of Aden, and we are convinced that full implementation of the Djibouti Code of Conduct will enable States in the region to develop appropriate regulatory and legislative frameworks to combat piracy, enhance their capacity to patrol the waters of the region, intercept suspected vessels and prosecute suspected pirates.

We welcome, in this connection, the establishment of the International Trust Fund Supporting Initiatives of the Contact Group on Piracy off the Coast of Somalia and the International Maritime Organization Djibouti Code trust fund.

Anti-piracy activities by the TFG continue to face numerous challenges, most notable of which is a lack of the capacity to thwart, curb or investigate piracy in areas under the control of the Government. We call upon the international community and regional organizations to provide technical and financial assistance to Somalia, at the request of the TFG and with notification to the Secretary-General, so as to strengthen its security institutions and its capacity to address lawlessness at sea and bring to justice, in compliance with the international law and relevant United Nations Security Council resolutions, those who are using Somali territory to plan, facilitate or undertake criminal acts of piracy and armed robbery at sea.

We commend the efforts of the European Union Naval Force Operation Atalanta and States, acting in their national capacities, in cooperation with the TFG and each other, to suppress piracy and to protect vulnerable ships transiting through the waters off the coast of Somalia, including those transporting humanitarian supplies to Somalia and United Nations supplies to AMISOM.

We commend the significant efforts undertaken by the Government of Kenya to prosecute suspected pirates captured by the international community in its national courts. We also urge all States, especially those directly harmed by piracy, to provide the Kenyan Government with the logistical and financial support to address the challenges of prosecuting suspected pirates.

Finally, we thank the United States delegation for having prepared the draft resolution on piracy. My delegation will continue to constructively engage in the efforts to achieve consensus on this important document.

Mr. Takasu (Japan): I would also like to thank Special Representative Mr. Ould Abdallah for his introduction of the Secretary-General's report, and his very helpful briefing this morning.

Piracy off the coast of Somalia continues to pose a serious threat affecting one of the most important international transport routes. Japan is deeply concerned about the loss of lives and assets owing to the sharp increase of piracy over the past year, despite our best efforts. While incidents in the Gulf of Aden have recently declined, they have moved further south and attacks in the Western Indian Ocean, closer to the Seychelles, have significantly increased. We should not tolerate piracy trying to disrupt essential United Nations activities such as the delivery of food assistance by the World Food Programme and the logistical support to the African Union Mission in Somalia (AMISOM).

The fragile security situation in Somalia produces fertile ground for piracy, and instability caused by piracy, in turn, affects the situation on land. In order to achieve stability in Somalia as a whole, international efforts and assistance must be directed towards dealing with the unstable conditions in south-central Somalia, in particular Mogadishu, and assisting counter-piracy activities along the coastline.

Given the broad scope of the negative effects of piracy, and in order to protect the vital sea route, a multifaceted and coordinated approach must be pursued at three levels: international, regional and national.

The adoption of Security Council resolution 1851 (2008) led to the establishment of the Contact Group on Piracy Off the Coast of Somalia, which has met four times at the plenary level. Japan welcomes the progress the Contact Group has made and the fact that it has now developed into a coordinating forum for various counter-piracy activities with increased membership along with substantive activities on the part of the working groups.

In recent plenary meeting chaired by Japan, the Contact Group decided to establish a new international trust fund to assist initiatives such as the prosecution of and judicial procedures against arrested pirates.

We are also pleased that a mechanism for coordinating the operational aspect of counter-piracy activities, and is known as the Shared Awareness and Deconfliction (SHADE) mechanism, is well in place. It comprises the operations of the European Union's Operation Atalanta, NATO, the Combined Maritime Forces and States such as China, India, Japan and Russia.

The challenge now is how to enhance coordination and more effectively share information to counter pirates who are always changing their tactics. In this regard, we appreciate the European Union Naval Force Operation Atalanta for escorting the delivery of the AMISOM logistical support package. For its part, Japan deploys two naval vessels and two P-3C Orion maritime patrol aircraft which are providing valuable information to all participating States. It has expanded the scope of escorts to include foreign vessels, effective June 2009.

It is also important to strengthen the capacity of ship crews to protect themselves from piracy attacks. To that end, we welcome the New York Declaration on the Commitment to Best Management Practices to Avoid, Deter or Delay Acts of Piracy, which was originally initiated by the United States and has now been signed by ten flag State countries, including Japan. We urge other flag States to join the Declaration and implement its guidelines.

Together with the global efforts, strong engagement and coordination are also indispensable at the regional level. In particular, efforts by the States in the region, such as Kenya, Yemen and Seychelles, to ensure prosecution for piracy deserve the support and assistance of the international community. The international trust fund to assist the activities of the Contact Group on Piracy off the Coast of Somalia must become operational in a timely manner.

In order to increase the capacity of these States in their anti-piracy efforts, it is also important to implement the Djibouti Code of Conduct, which was adopted by States of the region last January. Japan has contributed $13.6 million to the Djibouti Code Trust Fund of the International Maritime Organization. We hope this support will be speedily utilized by parties concerned to expedite the launching of regional centres for information-sharing in Kenya, Tanzania and Yemen, and a training centre in Djibouti.

Piracy activities are closely related to the security situation on the land. Long-term solutions will require restoring stability and governance in Somalia. The Secretary-General's report emphasizes the crucial importance of supporting Somalia's own institutional capacity in various areas. First, it is essential to strengthen AMISOM and the Somali security institutions in south-central Somalia. Secondly, as a medium-term goal, we need to advance stability, capacity and socio-economic development of areas outside of south-central Somalia, including Puntland, which is home to many pirates. Thirdly, we would like to see improved coordination between the Contact Group on Piracy off the Coast of Somalia and the International Contact Group chaired by Mr. Ould Abdallah. We look forward to enhanced coordination in the next plenary meeting of the Contact Group in January 2010.

In conclusion, the international community needs to intensify the coordinated, multi-faceted anti-piracy efforts at the global, regional and national levels in order to see to it that they bear fruit. Japan will contribute positively to the ongoing negotiations on a draft resolution prepared by the United States for the renewal of the Security Council authorization.

Mr. Liu Zhenmin (China) (*spoke in Chinese*): Mr. President, the Chinese delegation thanks you for convening today's meeting. We thank Secretary-General Ban Ki-moon for his report on piracy in Somalia (S/2009/590), as well as the Special Representative of the Secretary-General, Mr. Ould Abdallah for his briefing this morning.

Piracy activities in Somalia have become ever more rampant, posing a direct threat to the safety of international humanitarian relief activities and international navigation and a potential menace to world economic activities. In his latest report submitted to the Security Council, the Secretary-General points out that since the beginning of 2009, 34 vessels have been hijacked and 450 seafarers abducted in the waters off Somalia. China is also one of the victims of the pirate activities of Somalia. We support the collective efforts by the international community to address the problem of piracy in Somalia and hope that the international community will agree on an integrated approach to doing so at an early date.

Since December 2008, the Chinese Government has, under United Nations coordination and within the

framework of relevant Security Council resolutions, taken an active part in international cooperation in the fight against Somali piracy. The Chinese navy escort flotilla will continue to fulfil our Government's commitment to protect the safety of Chinese vessels and people travelling through the Gulf of Aden and the waters off the coast of Somalia and to protect the safety of the vessels of the World Food Programme and other international organizations that are delivering humanitarian relief supplies.

Our effective fight against piracy in Somalia still awaits an integrated solution. We believe that the international community should pay attention to the following priorities.

First, it is imperative to strictly observe international law and relevant Security Council resolutions. In fighting piracy in Somalia, we should strictly observe the relevant rules of international law as contained in the United Nations Convention on the Law of the Sea and the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation; act in accordance with the requirements of relevant Security Council resolutions in full respect of the sovereignty and territorial integrity of the littoral States in particular; and maintain communication and consultation with the Transitional Federal Government of Somalia.

Secondly, priority should be given to addressing the domestic problems of Somalia. Without an end to the domestic crisis in the country, the piracy problem cannot be rooted out. Only by continuing to consolidate the domestic process of political reconciliation in Somalia and promoting its economic development to enable the people to live and work in peace and happiness can the security situation in Somalia have any hope of gradual movement towards stability and the piracy problem be gradually rooted out. The fact that the political process of reconciliation has remained stagnant and the security situation has not fundamentally improved after so many years is a cause for concern. The international community should work harder in this area.

Thirdly, assistance should be rendered to the regional States for their capacity-building. Ensuring that peace, tranquillity and safety of navigation in the Gulf of Aden and Somali waters has a bearing on the interests of the littoral States and the safety of international navigation. It also requires the mutual understanding and full cooperation between the regional States and the international community. China supports the joint efforts made by the countries in the Red Sea, the Gulf of Aden and the western Indian Ocean to address the problem of piracy in Somalia through regional arrangements. We welcome the signing of the Djibouti Code of Conduct. The international community should, through various means, help the countries concerned in boosting their capacities.

For over a year, despite intensified efforts by various naval forces to crack down on piracy in the Gulf of Aden and off the coast of Somalia, pirate attacks do occur frequently. We believe that, to put an effective end to pirate attacks, the international community should further expand maritime escort operations. Meanwhile, the relevant participating countries should also improve their coordination in these escort operations. With that in mind, the competent departments of China propose that the naval forces that provide escorts in these waters define areas of responsibility in order to improve the efficiency of escorts and to lessen the possibility of pirates succeeding in their attempts.

At the request of Working Group 1 of the Contact Group on Piracy Off the Coast of Somalia, China hosted a meeting from 6 to 7 November, on international maritime escort coordination in the Gulf of Aden with invited representatives from countries and organizations that have participated in the fight against Somali piracy. The meeting further discussed cooperation in enforcing the concept of areas of responsibility in the Gulf of Aden.

China has an open attitude towards international navigational escorts. We are ready to engage in, within the framework of international law and the relevant Security Council resolutions, multiple forms of bilateral and multilateral escort cooperation with all countries and organizations concerned in a joint response to the menace of piracy in Somalia.

Mr. Apakan (Turkey): I would like to thank the Special Representative of the Secretary-General, Mr. Ould Abdallah, for introducing the report of the Secretary-General (S/2009/590). I also welcome the Permanent Representative of Somalia, Ambassador Duale.

In spite of the ongoing multinational naval operations off the coast of Somalia and around the Gulf of Aden, which are aimed at increasing maritime

security and securing the delivery of international assistance, the acts of piracy in the region remain a source of concern for the international community. It is crucial to effectively and robustly address this problem. We praise the efforts of the Contact Group on Piracy off the Coast of Somalia, which is definitely an important international cooperation mechanism in all aspects of combating piracy. Turkey joined the Group as a founding member, and we have been actively contributing to its work. We are pleased to see the increased interaction between the Group and the United Nations.

Turkey is of the opinion that that it is crucial for the Contact Group to continue to play a leading role in setting up a solid legal framework and practical arrangements in order to clarify pending legal issues concerning the arrest, detention, prosecution, trial and extradition of suspected pirates and to strengthen related cooperation. Working Group 2 of the Contact Group has already gone a long way in this regard.

The increase in the number of pirate attacks in 2009 despite all efforts of the international community indicates that satisfactory deterrence has not been fully achieved. One of the main factors behind this is undoubtedly the lack of capacity to detain and punish perpetrators who are apprehended. If we want to sustain the success of the ongoing operations, we should continue to explore legal options for the effective prosecution of suspected pirates. Hence, Turkey believes that it would be useful if a mechanism were to be put in place in one of the countries in the region, under the supervision of the United Nations, to effectively prosecute persons suspected of piracy and armed robbery at sea off the coast of Somalia. That would no doubt require the support of the international community for the enhancement of capacity in the States of the region. We believe that the newly established trust fund can be utilized in this regard.

Given the vastness of the area, Turkey believes that it is vital to improve and develop operational and intelligence support to counter-piracy operations. That said, we welcome the establishment of the Shared Awareness and Deconfliction (SHADE) group. It will no doubt help contribute to interoperability among the naval forces. Sharing of information should not be limited to the maritime area, but also be extended to relevant airspace and mainland with the active contribution of the regional countries and organizations. We welcome the contributions of INTERPOL in this regard.

Allow me to briefly say a few words about what Turkey has done in the fight against acts of piracy and armed robbery at sea. Thus far, Turkey has taken part, with four frigates, in the efforts aimed at repressing such acts under the Standing Maritime Group 2 of NATO and Combined Task Force 151 (CTF-151). Indeed, CTF-151 was commanded by Turkish naval forces from May through August 2009. Today a Turkish frigate with air assets is operating in the region, pursuant to the provisions of the relevant Security Council resolutions. To date, the Turkish naval elements in the region have apprehended some 30 piracy suspects in various operations.

The Turkish maritime authorities are actively seized of the issue of strengthening situational awareness for commercial ships and other capabilities. For that purpose, the document on best management practices to deter piracy has been widely circulated to the industry. A national maritime armed robbery information system has also been initiated.

We should continue to concentrate and cooperate on the elimination of the root causes of piracy that are embedded in Somalia. We share the view that measures taken to combat piracy and armed robbery at sea off the coast of Somalia can yield results only if they are coupled with the efforts to strengthen the capacity of both the Transitional Federal Government of Somalia and the African Union Mission in Somalia.

Mr. Dabbashi (Libyan Arab Jamahiriya) (*spoke in Arabic*): At the outset, I would like to express our appreciation to the Special Representative of the Secretary-General, Ahmedou Ould Abdallah, for his briefing. We would also like to commend the significant and ongoing efforts that he and his team have been making to bring about security, peace and stability in Somalia.

Piracy off the coast of Somalia continues to threaten the security and safety of international navigation off the coast of eastern Africa. Efforts thus far have not managed to eliminate the threat, although they have greatly limited piracy. That reaffirms that piracy is a natural result of the unstable situation in Somalia in terms of security and the absence of State authority in general.

This problem will not be eliminated just by dispatching naval forces. Dealing with it requires a more comprehensive and integrated approach. We share the Secretary-General's view that one of the means to guarantee the security of marine navigation off the coast of Somalia in the long term will be to achieve stability on the ground through development, promotion of economic revival in local communities, consolidation of the rule of law, development of security institutions and provision of support to the Transitional Federal Government and the African Union Mission in Somalia (AMISOM).

Any solution must also include capacity-building, especially for Somali judicial and maritime institutions at the local and national levels and in the region in general, the prosecution of those suspected of piracy and armed robbery at sea and strict compliance with the arms embargo imposed by the Security Council.

If implemented, those measures will eventually obviate the need for the international marine presence, which is currently playing an important role in securing international marine navigation. We would like to encourage the States and organizations that participate in those forces to examine a way to implement capacity-building measures in Somalia and find a solution to the root causes of piracy. We urge those States to protect Somali sea resources, in particular from illegal fishing operations by foreign vessels, which we believe are one of the main motives for piracy.

In addition, we encourage the international community to continue to deploy such naval forces in strict compliance with the international law of the sea in order to offer protection to all shipments contracted by the United Nations and the World Food Programme, including along the routes used to deliver logistical support to AMISOM and international maritime trade routes.

We believe that suspected pirates apprehended off the Somali coast must be handed over to the Government of Somalia, which is responsible for prosecuting them. We urge the international community to help the Government of Somalia by providing technical assistance to its judicial bodies. In that connection, we encourage Member States to contribute to the international trust fund designed to help defray the expenses associated with the prosecution of suspected pirates as well as other activities related to combating piracy. The Government of Somalia can sign agreements with other countries in the region providing for the prosecution of suspects apprehended in those countries and specify where they will serve their sentences if found guilty.

In closing, we wish to stress that providing support to the Government of Somalia to help it establish its authority throughout the country is of the utmost importance if our efforts to combat piracy and eliminate its root causes are to be successful. We also wish to encourage the Contact Group on Piracy Off the Coast of Somalia to coordinate its activities and initiatives with those of the International Contact Group on Somalia. In addition, we note the urgent need to draft an agreement that would protect Somalia's sea resources from arbitrary use and would prevent pirates from launching attacks on navigation in international waters.

Mr. Puente (Mexico) (*spoke in Spanish*): I wish to express appreciation for the valuable information provided by Ambassador Ahmedou Ould Abdallah, Special Representative of the Secretary-General for Somalia, and to acknowledge his commitment and efforts and those of his team in seeking solutions to the problems faced by Somalia. We also welcome the presence of Ambassador Elmi Ahmed Duale, Permanent Representative of Somalia.

We believe that the report of the Secretary-General (S/2009/590) is very clear on a number of points. One of them is that the phenomenon of piracy and armed robbery off the coast of Somalia is a challenge requiring fully coordinated urgent action by the Transitional Federal Government, the countries of the region and the international community. One year ago, the Security Council acted decisively against that threat by adopting resolutions 1846 (2008) and 1851 (2008). The cooperation, commitment and commendable work of many countries has produced a common front against such acts.

Nevertheless, the number of attacks and hijackings off the coast of Somalia, in the Gulf of Aden and in the western Indian Ocean in 2009 is higher than that recorded in 2008. We are also concerned at the fact that, in addition to the increase in the number of acts of piracy and armed robbery committed in recent days, smaller vessels, such as fishing boats and pleasure craft, are being attacked.

We acknowledge the efforts being made by the Transitional Federal Government of Somalia, in particular to promote greater coordination with the Puntland and Somaliland regions in seeking to prosecute suspected pirates. We commend the coordination and cooperation efforts between Operation Atalanta, NATO, Combined Task Force 151 and Member States and naval forces in the region to carry out monitoring and escorts. In particular, we pay tribute to Operation Atalanta for its efforts to escort and protect vessels related to the World Food Programme and the African Union Mission in Somalia.

With regard to the Contact Group on Piracy Off the Coast of Somalia, we recognize as an important step forward the establishment of the international trust fund to support the prosecution of suspected pirates and other initiatives of the Group, as well as the efforts being made in its working groups to promote greater coordination and capacity-building, to disseminate best practices and to strengthen counter-piracy legal mechanisms. Regarding the latter point, we reaffirm that those responsible for acts of piracy must be brought to justice in accordance with the applicable legal regime, including standards in the area of human rights and fundamental freedoms.

Moreover, we also highlight the work done by the International Maritime Organization in setting out guidelines and specific actions to be taken by States, as well as the joint efforts with the United Nations Office on Drugs and Crime to correct the deficiencies of national legislative systems. In that connection, the widespread implementation of the Djibouti Code of Conduct is essential. That would enable States in the region to take part in actions carried out by international forces, through the strengthening of their legal and judicial capacities.

As we have stated on previous occasions, my delegation believes that piracy off the coast of Somalia is not a phenomenon isolated from the situation on the ground and that the solution to both problems requires a comprehensive approach. This must include, among other elements, developing the rule of law and security institutions as a complement to the peace process, strengthening the Transitional Federal Institutions, building the capacity of judicial institutions and prosecuting criminal suspects in order to combat impunity.

Finally, my delegation has emphasized both in the Security Council and in the Contact Group on Piracy the negative impact of this phenomenon on the sanctions regime with regard to Somalia. Such acts, in addition to being apparent violations of the arms embargo, undermine the stability and security of the country and directly affect access of humanitarian aid. Mexico, in its capacity as Chair of the Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia, reaffirms that it is essential that the States and multinational maritime coalitions deploying forces to combat piracy cooperate with the Monitoring Group on Somalia by providing information in a systematic and timely manner on actions that violate the sanctions regime and which have a particularly negative impact on efforts to promote economic and social development in Somalia and on the consolidation of the Government and the institutions of Somalia.

Mr. Skračić (Croatia): We, too, would like to thank Mr. Ould Abdallah, Special Representative of the Secretary-General for Somalia, for his significant contribution and for the valuable insights he presented here today. Croatia has aligned itself with the statement to be delivered later in this debate by the Swedish presidency of the European Union.

Croatia notes the recent progress that has been achieved in Somalia but, at the same time, perceives the scope and the complexity of the challenges still lying ahead for that country. Undoubtedly, piracy represents one of the burning issues, threatening not only the key international shipping lanes and commerce but also the effective provision of much-needed humanitarian assistance.

Croatia fully supports the Djibouti Peace Agreement as a necessary prerequisite for the sustainable resolution of many pressing challenges in Somalia. We are of the view that reinforcing Somali sovereignty, as well as strengthening the capacity of the Somali Government to provide law and order and sustainable livelihoods for its people, will significantly contribute to the eradication of piracy and armed robbery off the Somali coast.

Let me repeat here the evident and often reiterated conviction of this Council: there can be no security along the Somali coast without genuine security on its land. It is therefore apparent that only an integrated approach has the possibility of yielding results. In that context, Croatia commends the African Union Mission in Somalia for the important role it is

playing in supporting the Transitional Federal Government in its efforts to implement the aforementioned strategy, as well as for its endeavours to bring about a long-term political security recovery and development changes.

Croatia welcomes the continuing strong commitment of the international community to the Somali Government in accordance with the relevant Security Council resolution and applicable international law. In that context, we further welcome the Somali Government's renewed request for assistance in securing international and territorial waters off the coast of Somalia, and the continuing implementation of the provisions of resolution 1846 (2008).

Croatia believes that the Contact Group on Piracy off the Coast of Somalia is proving to be an effective coordination mechanism of the international community. We welcome its decision to establish a trust fund with the purpose of supporting adequate measures against piracy and related activities aimed at implementing the Group's objectives. Moreover, we welcome additional coordinating efforts within the naval forces operating in the region, including the establishment of Shared Awareness and Deconfliction (SHADE), as well as the continuing coordination between the Contact Group on Piracy off the Coast of Somalia and the International Contact Group on Somalia.

We are heartened to see such efforts bearing fruit, the testimony of which is the considerable reduction in the number of successful pirate attacks registered in recent months. Croatia believes that the Governments of the region should play a vital role in establishing conditions for effectively combating piracy. We commend the Government of Kenya for its significant efforts in that regard, and especially for its readiness to detain and prosecute pirates apprehended by other participants in the common efforts against piracy. It is our hope that other countries that have expressed their willingness will shortly be ready to follow suit.

Similarly, we call on regional States to fully implement the Djibouti Code of Conduct as an important step towards assuming increasing responsibility in the fight against piracy and robbery at sea. We particularly welcome further progress in the field of regional capacity-building, and call upon all States to continue logistic and financial support of such regional efforts.

Mr. Churkin (Russian Federation) (*spoke in Russian*): About a year and a half has now passed since the Security Council seriously took up the problem of piracy off the coast of Somalia and began to develop measures to combat this evil. We think it is now time to offer an interim assessment of the results of the work done, on the basis of the report of the Secretary-General (S/2009/590) submitted to the Council under resolution 1846 (2008).

The situation in the Gulf of Aden is still far from normal, and the danger of a further increase in piracy has not been eliminated. Yet much has been done in mobilizing the international community to counter this threat. First of all, there is now a firm understanding that the most important element in resolving the problem of piracy off the Horn of Africa is the stabilization of the situation in Somalia: bringing order on land. We believe that along with maintaining a naval presence in areas dangerous to shipping, our other priority must remain the stabilization of the military and political situation within the country. In this connection, we note the important part played by the African Union Mission in Somalia. Russia has always advocated sustainable peace and national reconciliation in Somalia on the basis of the Djibouti Agreement, in the interests of strengthening security and stability in the region.

The world community must broaden its participation in efforts in the area of security, including those of the United Nations, the African Union, the European Union and other organizations, with the focus on building up the potential of the Government of Somalia to discharge its basic functions. States and regional organizations cooperating with the Transitional Federal Government of Somalia in combating piracy are cooperating closely in military, political and legal areas, and are working to improve them through the appropriate coordination mechanisms. In this context, we would stress the key part played by the Contact Group on Piracy off the Coast of Somalia.

There has been growing awareness in the international community and the shipping industry of the methods used by pirates when they attack, and thus a growing arsenal of measures has been developed to counter such attacks. We note here the important contribution of the International Maritime Organization. We welcome the initiatives taken by the United Nations in combating piracy and call for further

strengthening of its role in this area. We are particularly grateful to the Secretariat for acting as an information exchange centre and for its valuable work relating to peace on land, as well as for its ideas in the area of capacity-building.

We must combat impunity and give greater attention to prosecuting people suspected of piracy. This is not just about ensuring that punishment is unavoidable, but also about meeting appropriate standards in the area of human rights. We note the significance of efforts to resolve this problem at the level of the national judiciary, and particularly cooperation on the part of authorities in Kenya and other countries in the region. We welcome the decision of the Contact Group on Piracy to set up a trust fund to support anti-piracy initiatives.

At the same time, as experience shows, it is not always possible to ensure criminal prosecution of pirates in national courts. Initiatives aimed at studying possible additional mechanisms concerning this problem are therefore still relevant. Work in this area not only does not contradict efforts at the national level, it is capable of organically complementing them. The Russian Federation continues to be actively involved in combating piracy off the coast of Somalia. We currently have a group of ships from the Russian Navy in the area, the third since October 2008. We intend to build up interaction with other interested parties in dealing with all aspects of this issue. It is important to ensure that international anti-piracy efforts go uninterrupted within the existing mandate. In this connection, we support the extension of Security Council sanctions, as requested by the Transitional Federal Government, on comprehensive measures to halt piracy and armed robbery at sea under resolutions 1846 (2008) and 1851 (2008).

Mr. Araud (France) (*spoke in French*): I should like to thank the Special Representative of the Secretary-General for Somalia, Mr. Ould Abdallah, for his briefing and for the work he is doing in Somalia.

The pirates are still a threat, first of all to the people of Somalia, since half of all Somalis are now dependent on international aid, and virtually all of this aid reaches Somalia by sea. The pirates are also a threat to the troops of the African Union Mission in Somalia (AMISOM), as their supplies, again, essentially come by sea. Lastly, they imperil international shipping off the coast of Somalia, one of the most dense shipping areas in the world. Many of the previous speakers have indicated that the deep-rooted causes of piracy are to be sought on land, and that the insecurity prevailing after more than 20 years of conflict, the lack of a State, the absence of legal economic possibilities and the actions of criminal groups have created the conditions that have led to the appearance of piracy. We are all in agreement that security and development will in the long term prevail. In the short term, however, resolute action by the international community is essential in order to limit the effects of piracy. Any slackening in our endeavours would have immediate consequences. France notes that during the two months in two years when the World Food Programme (WFP) received no protection for its ships, it had to cut its shipments by 50 per cent, to the detriment of the civilian population.

In his report (S/2009/590) the Secretary-General described the various efforts being deployed by the international community. Through Operation Atalanta, the European Union is playing an essential role here, and regional organizations and national partners, such as the Russian Federation, China and Japan, are also involved in these activities. France is playing an active role through Operation Atalanta as well as in its national capacity.

In parallel, we have been able to improve coordination. The Contact Group on Piracy Off the Coast of Somalia, with 45 States members, is playing an essential role in making political, legal and military progress. The Shared Awareness and Deconfliction (SHADE) mechanism in the framework of the Contact Group's Working Group 1 is enhancing the exchange of operational information with a view to working together more effectively.

We have come along way since the first operations to protect World Food Programme (WFP) vessels, in November 2007. Our efforts are beginning to bear fruit. The report of the Secretary-General (S/2009/590) indicates that while the number of attacks remains high, a large proportion of them are foiled thanks to the international presence.

The European Union has committed itself to continuing Operation Atalanta, deployed in December 2008, at least through December 2010. In that way, it will continue to provide protection to WFP vessels and provide resolute support to other vulnerable vessels, including those chartered by the United Nations in

order to supply the African Union Mission in Somalia (AMISOM). This poses a particularly significant challenge, as 80 per cent of those convoys have come under attack in the past.

Operation Atalanta and the countries of the European Union will be considering the expanded sphere of operation of the pirates in the Indian Ocean. France has provided assistance to Seychelles, and the European Union has signed an anti-piracy agreement with Seychelles, which will make it possible for pirates apprehended by Operation Atalanta to be transferred to Seychelles. Clearly, I support the statement to be made by the representative of Sweden on behalf of the European Union presidency.

As we pursuing our efforts we must retain the legal framework of our activities and extend resolutions 1846 (2008) and 1851 (2008) for a further year, which authorize participating countries, under strict conditions, to enter Somali territorial waters and take action against pirates. I am grateful to the delegation of the United States for its draft resolution and trust that the Council will adopt it in the coming days.

Effective action also requires diversification, and we have begun to do that. Beyond the military aspects, it is essential that we improve legal redress for acts of piracy, as mentioned by the representative of the Russian Federation. In the near future, the international community must provide material assistance to Somalia and other countries of the region to enable them to apprehend, prosecute and punish pirates. Here, France commends Kenya's endeavours in that regard and supports the trust fund that the Contact Group decided on 10 September to establish, to which we shall be making a contribution. We also encourage all States to amend their legislation to make it possible to try acts of piracy within their jurisdictions.

Finally, we must continue to address more directly the root causes of piracy. The European Union has begun to consider this and has indicated its willingness to provide enhanced support to the Transitional Federal Government, for instance, in combating illegal fishing. We must continue such efforts, while ensuring that naval forces combating piracy off the coast of Somalia are not faced with tasks that are too numerous, too diverse or too far from their mission.

The true significance of Security Council action off the coast of Somalia is seen when we consider the Council's comprehensive strategy for that country. Provisions adopted by the Council include support for the Transitional Federal Government, resolute support for AMISOM, including the use of United Nations resources, and a sanctions regime that has been renewed and enhanced by resolution 1844 (2008). We still must make progress on all those fronts. France wishes in particular to see the pirates and their supporters punished as individuals.

I wish in conclusion to note that the Security Council was innovative in adopting resolution 1816 (2008) on 2 June 2008, with the aim of combating piracy off the coast of Somalia. The international community has been able to make use of the new tools that the Council has provided through its resolutions. International mobilization is strikingly broad and is complemented by the development, through the Contact Group, of a new framework for cooperation, in close association with the United Nations Secretariat. This encourages us that the Council will continue its work in Somalia, beyond the issue of piracy, in the framework of a specific and pragmatic strategy.

Once again, I thank the Special Representative of the Secretary-General for helping ensure that the international community takes consistent action on Somalia. I assure him of our full support.

Mr. Urbina (Costa Rica) (*spoke in Spanish*): Let me begin by thanking Mr. Ahmedou Ould Abdallah, Special Representative of the Secretary-General for Somalia, for his briefing. I wish also to welcome the presence among us of Ambassador Duale.

Over the past year, fighting piracy and armed robbery off the coast of the Horn of Africa has been a focus of the international community, leading to the implementation of a number of initiatives by States, organizations and international naval forces. We welcome those coordinated efforts. The number of attacks has fallen, and there is relative stability along this important economic route, which is also needed for the delivery of humanitarian assistance to the region.

But we have some doubts about whether these achievements can be sustained, given that this phenomenon — which began as a low-level local activity — has become a big business with sophisticated equipment for attacks and multi-million-dollar profits. It can thus be assumed that it is supported by complex transnational structures. In our view it is important that future reports the Secretary-General make reference to

that element and consider possible sources of support and financing for piracy in the area.

Alongside initiatives to deal with maritime attacks in the area, it is also important to build the capacity to investigate and prosecute those suspected of these acts. Combating impunity is without doubt a deterrent for anyone who is thinking of carrying out illegal activities. Here, we commend Kenya for its action to put suspects on trial, and we urge other countries, including Somalia, to strengthen their legislation, procedures and capacities so that they can hold such trials. Assistance from the United Nations and other international organizations, along with the implementation of legal instruments such as the Djibouti Code of Conduct concerning the Repression of Piracy and Armed Robbery against Ships in the Western Indian Ocean and the Gulf of Aden, would also be very important in achieving results.

As everyone knows, piracy and armed robbery in Somalia are symptoms of a far deeper crisis in that country. Hence, we should very carefully consider the root causes of Somalia's problems. When we analyse the situation there, we must do so in the framework of a long-term strategy for the restoration of normality that would include the humanitarian, political, security and development dimensions.

In Costa Rica's view there are four interrelated areas that demand the attention of this Council and the international community.

First, we must continue to support the Transitional Federal Government so that it can achieve an effective framework for security, augment control of the territory and of the means for cohesion and promote an inclusive political process. The Djibouti peace process offers an adequate setting for working towards those goals.

Secondly, we have to intensify efforts to further strengthen the rule of law and to provide proper training for the Somali security forces. Costa Rica recognizes the work being done by the Transitional Federal Government and by AMISOM with the support of the United Nations. Strict compliance with the arms embargo in Somalia is an indispensable instrument. Also, we support the Monitoring Group on Somalia and call for cooperation with it to help with compliance with the obligations deriving from the resolutions adopted by this Council.

Thirdly, we must maintain and strengthen efforts to deal with the humanitarian situation in Somalia. It is essential to ensure delivery of assistance for the fifty per cent of the people who depend on it. Attacks on humanitarian organs and their personnel must cease. In parallel, we have to ensure that we promote development assistance so that sustainable economic activities can grow and dependence on humanitarian aid can be reduced.

Lastly, financing the various initiatives to help Somalia overcome the crisis must continue being one of the main concerns of the international community. Costa Rica urges States and donors to continue to provide resources to the trust funds. In doing so, they will confirm their commitment to peace and stability in that region.

Mr. Rugunda (Uganda): I thank the Special Representative of the Secretary-General for Somalia, Mr. Ould Abdallah, for his briefing this morning, and I welcome the participation of the Permanent Representative of Somalia, Mr. Duale, in today's Council meeting.

One of the many negative consequences of the conflict in Somalia and of the absence of strong institutions in the country is piracy. It started around the coast of Somalia, but it has now expanded further out, to international waters. Piracy is negatively impacting international trade and tourism, fuelling the illegal arms trade and the financing of insurgents and terrorism in Somalia and beyond.

Given the disruptive nature of piracy, it is only fitting that the international community responds to the problem appropriately. In that regard we support multinational and regional efforts aimed at combating and suppressing piracy and armed robbery at sea.

The Secretary-General's report (S/2009/590) outlines the measures in place or being put in place and those proposed to address the problem of piracy off the coast of Somalia. The deployment of naval assets, including those under the European Union's Operation Atalanta, NATO's maritime forces, the United States-led Combined Maritime Forces and those of individual States, have all contributed to checking the incidences of piracy in the coastal region neighbouring Somalia, thus affording some level of protection for international trade and delivery of humanitarian supplies to Somalia. Furthermore, the creation of the Contact Group on Piracy Off the Coast of Somalia to

help coordinate the various efforts is a notable contribution in the fight against piracy.

Commendable as these efforts may be, the struggle against piracy will be won not on the high seas but on land, in Somalia. The amount of resources that have been deployed either directly on the high seas or indirectly through targeting off-shore solutions to the problem of piracy is enormous and must be running in billions of dollars each year. Yet, much as the incidences have been checked, piracy persists and will persist for as long as the instability on mainland Somalia remains and State institutions remain fragile.

As outlined in Secretary-General's report, there is a big difference between, on the one hand, the robust and concrete responses by States acting either individually or in cooperation with others in deploying resources at sea and, on the other, the cautious and incremental stance by the international community when it comes to addressing the root causes of piracy on mainland Somalia.

While we support the measures that have been deployed at sea by Member States to deal effectively with the problem of piracy, equally robust measures should be put in place on mainland Somalia, backed by similar, or more, resources. Such measures should include enhancing support to the African Union Mission in Somalia (AMISOM) to enable the force to effectively implement its mandate and providing it with additional personnel so that it reaches its authorized capacity of 8,000 troops in preparation for its eventual re-hatting. Equally, it is imperative that the Transitional Federal Government be sufficiently supported to strengthen State institutions, particularly in the security sector. Strengthening State institutions is the most effective durable way of combating piracy in the waters off Somalia.

Lastly, we thank the Secretary-General's Special Representative, Mr. Ould Abdallah, and the staff of United Nations agencies and the humanitarian agencies for the support extended to the Somali people in difficult circumstances.

The President: I shall now deliver a statement in my national capacity.

At the outset, I would like to thank the Special Representative of the Secretary-General, Mr. Ould Abdallah, for his presentation and for his work in Somalia, as well as the efforts of the entire United Nations family in these very difficult circumstances — including, in particular, the International Maritime Organization and the United Nations Office on Drugs and Crime. I would also like to welcome the presence of His Excellency the Permanent Representative of Somalia.

Austria aligns itself with the statement to be delivered later in this meeting by Sweden on behalf of the European Union. Allow me to add a few additional points.

My delegation agrees with previous speakers that piracy and armed robbery in the Gulf of Aden are directly linked to the lack of stability and the disastrous economic situation in Somalia. At the same time, piracy contributes to the deterioration of the security situation and may play a role in financing embargo violations. As some merchant vessels are choosing different routes, piracy also hurts the economic situation of the region. Moreover, it negatively affects the delivery of much-needed aid to Somalia.

Austria expresses its deep concern about the continuing deterioration of the humanitarian situation in Somalia and its dire consequences for the civilian population, in particular women and children.

The European Union Naval Force Operation Atalanta aims to combat piracy off the coast of Somalia, with the primary goal of protecting vessels of the World Food Programme delivering food aid. We would also like to commend the naval engagement of other States and organizations cooperating in the fight against piracy in the framework of the international Contact Group.

The implementation of the pertinent international legal regime — particularly the United Nations Convention on the Law of the Sea and the 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation — presents considerable challenges for States parties to those conventions in the region.

Austria attaches great importance to full respect for all applicable norms of international law, in particular international human rights law, including the right to a fair trial and non-refoulement.

We welcome the fact that the United Nations Office on Drugs and Crime (UNODC) contributes to countering maritime piracy in the Horn of Africa through a programme to increase regional capacities to

deter, arrest, prosecute and detain pirates. As the Secretary-General noted in his report (S/2009/590), the prosecution of suspected pirates apprehended off the coast of Somalia is a burden for regional States, especially Kenya and the Seychelles. In that regard, we welcome the Contact Group's establishment of the international trust fund, administered by the UNODC.

We believe that in addition to the naval operations, the development of rule of law and security institutions in Somalia, improvement in livelihoods and education are important factors for the durable eradication of piracy off the coast of Somalia.

I now resume my function as President of the Council.

I give the floor to His Excellency Mr. Elmi Ahmed Duale, Permanent Representative of Somalia.

Mr. Duale (Somalia): Thank you, Mr. President, for allowing me to participate in this meeting and to make a brief statement.

First of all, I welcome the report of the Secretary-General (S/2009/590) and support the statement by the Special Representative of the Secretary-General Mr. Ahmedou Ould Abdallah. We also support the efforts by the International Maritime Organization in the implementation of the Djibouti Code of Conduct, with which we agree fully.

Before I go any further, allow me, on behalf of my Government and my Mission, to voice our grave concern and convey our sincere and heartfelt sympathy for all the crew and the two British citizens who are still at the mercy of pirates. We hope that they will soon be released.

As has been stated here by all Council members and mentioned in the Secretary-General's report, and as you, Sir, said in a nutshell, the piracy problem is a symptom of the major problems that have been bedevilling Somalia for a long time — nearly two decades. As many have stated here, that requires a concerted, coordinated effort at the international, regional and local, country level.

Towards that end I am pleased to state that Somalia has created a coast guard body and has already trained 1,000 coast guard personnel. The plan is to train and deploy up to 10,000. However, as has been mentioned, further training, equipment and other assistance is required to make them effective and so that they can be deployed in areas where they are most needed, in north-eastern Somalia. The coast guard will be able to exert greater control if it is enabled not only to fight piracy at the local level, but also to control the illegal fishing, the dumping of toxic waste and the smuggling of arms and drugs, for which Somalia can be used as a conduit for smuggling to all neighbouring and regional countries.

Finally, I hope that the Security Council will renew the mandate, as the Transitional Federal Government has already requested. In that connection, our Government once again conveys its sincere appreciation and gratitude to Council members and the regional and international organizations assisting in the challenge of combating the scourge of piracy off the coast of Somalia. It has requested that the Council renew its approval contained in resolution 1846 (2008) and welcomes the renewal, for a period of twelve months, of the authority provided in paragraph 6 of resolution 1851 (2008) to those combating the scourge of piracy on the high seas off the coast of Somalia.

We are also grateful for the support we have so far received from our regional groups: the Intergovernmental Authority on Development and the African Union Mission in Somalia, without which, I believe, the Transitional Federal Government would have been in a much worse situation.

I also fully subscribe to the statements by Council members, particularly when you, Sir, summarized the point regarding support for the Somali Transitional Federal Government to enable it to control Somali ports against piracy and also to better control any illegal fishing or dumping of toxic waste, which are what the pirates now claim to be acting against.

The President: I now give the floor to the Permanent Representative of Sweden.

Mr. Lidén (Sweden): I have the honour to speak on behalf of the European Union. The candidate countries Turkey, Croatia, the former Yugoslav Republic of Macedonia, Albania, Bosnia and Herzegovina, Montenegro, Serbia, Ukraine, the Republic of Moldova, Armenia and Georgia, align themselves with this statement.

Acts of piracy are illegal and can never be tolerated. The ongoing naval operations off the coast of Somalia have increased maritime security and secured the delivery of international assistance. The Contact

Group on Piracy off the Coast of Somalia has facilitated policy cooperation and coordination. In this framework, we have also managed to establish an efficient coordination mechanism — the Shared Awareness and Deconfliction group — among the multinational, regional and national naval forces operating in the area. All actors should support existing coordination efforts.

More can be done besides engaging in coordinated efforts to protect vessels. We need to improve our dialogue on maritime issues with the local Somali communities. Other illegal activities besides piracy should be acknowledged and discussed. Collaboration should be encouraged between Somalia and other countries in the region with more experience in licensing of fishing and unlicensed fishing. Previous United Nations studies on Somalia regarding illegal fishing and illegal dumping should be updated.

We should continue to explore legal options for suspected pirates who are apprehended. Efficient and credible trials of suspected pirates are essential to sustaining the progress made through the ongoing operations. Kenya has made a very significant contribution through the transfer agreement with the European Union regarding prosecution. Kenya has so far agreed to detain and prosecute 75 suspected pirates whom the European Union has apprehended. The European Union appreciates that a similar arrangement was concluded recently with Seychelles. We support the decision of the Contact Group to establish a trust fund in order to support the detention, prosecution and imprisonment of pirates. Besides the pirates, we must also take measures to target the criminal networks, not only in Somalia but also beyond, that finance and organize piracy.

The European Union continues to contribute successfully to maritime security in the area through the naval Operation Atalanta. We have decided to extend the mandate until the end of 2010 subject to the decision by the Security Council to extend the authorization in resolution 1846 (2008). Since December 2008, Atalanta has provided vital protection to 50 World Food Programme vessels delivering roughly 300,000 tons of food to the direct benefit of 1.6 million Somalis. It has also provided protection to vessels carrying shipments to the African Union Mission in Somalia (AMISOM) and to other vulnerable vessels. Atalanta has also had a leading role in the coordination of the different operations in the area.

Piracy off the coast of Somalia can be eradicated only if the situation on the mainland is stabilized. We have to address the root causes. Somalia remains a country in conflict and insecurity is widespread there. Governance is fragmented. The Transitional Federal Government (TFG) is constantly under attack from insurgent groups and has not been able to protect its citizens or uphold law and order.

The European Union supports the efforts of the Transitional Federal Government and the ongoing Djibouti process. The political process has to be accompanied by a comprehensive and coordinated approach to achieving a lasting settlement. This includes covering political, security, development and humanitarian aspects of the crisis. Clearly articulated political commitments and priorities on behalf of the Transitional Federal Government are key to efficient support. In this regard, we welcome the first steps taken by the TFG to establish accountable financing systems.

In July, the European Union decided to step up its engagement in promoting peace and development in Somalia. For us, it is essential to support the TFG in its efforts to increase security and stability in its territory. Besides ongoing support to AMISOM, the European Union is therefore considering a possible mission to contribute to the training of the security forces of the Transitional Federal Government. We continue to be an active member of the International Contact Group on Somalia and to deliver substantial humanitarian and development aid.

Acts of piracy can have an impact on human life, the environment and the safety of navigation and of crew members. In Somalia, piracy can also affect the delivery of humanitarian aid to 3.8 million people in need of relief. It is a threat to international commerce, and ultimately to peace and security in the region. The regional dimension has been emphasized lately by the expanding activities of the pirates. It is in the interests of Somalia, the region and the international community to address the menace of piracy off the coast of Somalia. Together, we can do that.

The President: I now give the floor to the representative of Ukraine.

Mr. Sergeyev (Ukraine): On behalf of the Ukrainian delegation, I would like to thank you, Sir, for holding this important meeting and for inviting Ukraine to participate. I would also like to wish the

Austrian delegation and you personally every success in fulfilling your highly responsible duties as the Security Council President.

Our appreciation also goes to the Special Representative of the Secretary-General for Somalia, Mr. Ahmedou Ould Abdallah, for presenting the second report of the Secretary-General (S/2009/590) pursuant to resolution 1846 (2008), dealing with the issue of piracy off the coast of Somalia.

Aligning ourselves with the statement of the European Union, my delegation would like to point out some issues of particular relevance to Ukraine.

Like the previous report of the Secretary-General (S/2009/146), the document before the Security Council today details a worldwide surge in the number of incidents of piracy and armed robbery at sea against vessels. It convincingly testifies that this challenge is no longer confined to the Gulf of Aden. It has become global, requiring a global, coordinated and integrated response. Ukraine believes that the United Nations should play a lead role in these efforts.

Ukraine welcomes actions taken by the Security Council to counter piracy, including the adoption of resolution 1846 (2008), which my country co-sponsored. We support the adoption of its successor resolution with the aim of extending and fine-tuning the anti-piracy measures put in place by the Security Council. My delegation strongly believes that the Security Council should remain actively seized of this matter.

Ukraine commends the activity of the Contact Group on Piracy off the Coast of Somalia, which has already proved to be instrumental in facilitating coordination among the major actors, aimed at combating piracy in all its aspects. We look forward to the early launching of the trust fund to support counter-piracy initiatives off the coast of Somalia. My country appreciates the standing invitation to participate in the meetings of the Contact Group and is ready to contribute to its fulfilling its mandate in every practical way.

Ukraine considers European Union naval force Operation Atalanta to be an important element of the international community's efforts aimed at enhancing the safety of navigation and at preventing and combating piracy. We take positive note of the efforts of the North Atlantic Treaty Organization and the United States-led Combined Maritime Forces, aimed at fighting piracy off the coast of Somalia, which have also contributed to reducing the number of successful hijackings.

Ukraine takes the challenge of piracy with the utmost seriousness. Ranking fifth among the countries whose citizens are contracted to the international merchant fleet, Ukraine is seriously suffering from acts of piracy. At the time of this meeting, Somali pirates continue to hold hostage 24 Ukrainians, the crew of the vessel *Ariana* captured on 2 May. Over the past five years, 15 vessels with Ukrainians on board have been hijacked by pirates. Sixty-seven of my compatriots have been captured by the Somali pirates, among whom one has been shot dead and one seriously injured.

In his address to international organizations, President of Ukraine Victor Yushchenko urged the international community to redouble its practical efforts to fight piracy at sea. A number of proposals have been put forward to this end, some of which, such as the establishment of regional coordination centres for navigation safety, are already being implemented.

With a focus on the legal and methodological aspects of the global anti-piracy campaign, Ukraine, in the framework of the International Maritime Organization (IMO), was one of the initiators of the IMO resolution on piracy and armed robbery of ships in waters off the coast of Somalia, which preceded relevant Security Council resolutions. The political decision was taken by the President of Ukraine to join the European Union Operation Atalanta. At this stage, we are carefully studying the modalities of our involvement in this maritime coalition, either through intelligence, logistical or military support. Ukraine is also considering making a contribution to the trust fund to support counter-piracy initiatives.

We welcome recent international meetings on piracy, which reveal the strong political resolve of the United Nations Member States to deal with this challenge. In order to maintain this positive dynamic, Ukraine is ready to host one such future event under the auspices of the United Nations.

It is obvious that the roots of piracy lie on the ground and not at sea. They are closely linked to political, economic and social conditions, mainly extreme poverty and lack of food. Fully backing the comprehensive and coherent United Nations policy recognizing the interconnected nature of security and development, this year Ukraine has become a donor to

the World Food Programme, with contributions totalling more than $500,000.

I would like to conclude by reaffirming the strong commitment of Ukraine to contribute to the efforts of the Security Council aimed at countering maritime piracy and armed robbery at sea off the coast of Somalia.

The President: I now give the floor to the Permanent Representative of Norway.

Mr. Wetland (Norway): I would like to thank the Special Representative of the Secretary-General, Mr. Ould Abdallah, for his important presentation here today and for the work he is doing under difficult circumstances. I am also pleased to see my colleague, the Permanent Representative of Somalia, participating in our meeting, and I listened carefully to his important statement as well.

Piracy and armed robbery off the coast of Somalia and in the Gulf of Aden continue to threaten the people of Somalia, the whole region and a series of protected interests. Those interests include innocent lives, humanitarian supplies and international commerce and navigation. Some 1,000 Norwegian-owned ships pass through the Gulf of Aden every year. We, too, are directly affected, and we are acting accordingly.

The root of piracy and armed robbery is instability and the weakening of Government institutions in Somalia. Consequently, in order to restore order on the seas we must work to restore order on land in Somalia. Bringing peace and stability to Somalia and re-establishing effective Government institutions in the country is essential to a long-term solution to piracy as well. Humanitarian, development and security assistance is therefore needed. Norway is conscious of this and we are shouldering our part. Norway will also be chairing the next meeting of the Contact Group on Piracy off the Coast of Somalia, which will take place here in New York in January.

We are beginning to see the effects of preventive measures taken by the shipping industry itself. The best management practices adopted by the Contact Group on piracy are thus serving their purpose, and implementation by all needs to be further encouraged. Moreover, the naval operations in the waters outside Somalia have prevented new captures even if we have not prevented them all. Those operations are well coordinated and may set a good example on how nations and international organizations can cooperate in order to solve an international security problem. Norway has experienced this first-hand through our participation with a frigate in the European Union's Operation Atalanta. We appreciate the contributions of a great number of countries and organizations.

Now, we must make sure that pirates captured are brought to justice. We greatly appreciate the contributions of countries in the region, in particular Kenya and Seychelles. We recognize that there is a need for increased capacity in those, the most affected countries. That is why Norway has decided to contribute €500,000 to the trust fund established under the auspices of the Contact Group on piracy.

Public perceptions are also important. We know that many Somalis consider piracy to be a criminal activity. We know less about how the entire international engagement is perceived in Somalia. We therefore believe that the Contact Group should implement a communication and information strategy for Somalia. We must be able to convince the Somalis that this operation is also serving their interests and to counter any notion that piracy is seen as a just cause by parts of Somali society.

In conclusion, Norway will continue to support the Security Council in its efforts to address piracy of the coast of Somalia.

The President: I now give the floor to the representative of the Philippines.

Mr. Gatan (Philippines): At the outset, Mr. President, the Philippines congratulates you on Austria's assumption of the presidency of the Council for the month of November, and thanks you for convening this very important meeting to discuss piracy in the territorial waters and even on the high seas off the coast of Somalia. We also thank the Special Representative of the Secretary-General for Somalia, Mr. Ould Abdallah, for presenting the Secretary-General's report on piracy in Somalia (S/2009/590).

The Philippines is extremely alarmed and gravely concerned over the resurgence of piracy, a detestable crime condemned by the civilized world, committed against innocent vessels and their officers and crew members particularly in waters off the coast of Somalia. This resurgence, carried on with blatant disregard for the public outcry of the international

community against it, has resulted in the capture and detention as hostages of many Philippine nationals on board these vessels.

As the supplier of a third of the world's shipping manpower, with over 270,000 Filipino seafarers aboard international shipping vessels, the Philippines is directly affected by piracy off the coast of Somalia. In the first quarter of this year alone, 120 out of 300 hostages taken by pirates were from the Philippines, the largest national contingent of the group. As of 5 November, more than 160 Filipino seafarers on board various merchant vessels had been abducted by pirates off the coast of Somalia since January. This month alone, 16 Filipino seamen were abducted by these pirates in a span of just one week. Piracy in the area now constitutes a threat to the lives of many Philippines nationals.

The Philippines joins the call for concrete efforts from the international community to address piracy off the coast of Somalia and to increase efforts to assist seamen from all nations who have suffered as a result of these heinous acts. The Philippines recognizes the efforts undertaken by the Security Council to address these acts of piracy in waters off the coast of Somalia, as best evidenced by its adoption of resolutions 1816 (2008), 1838 (2008), 1846 (2008) and 1851 (2008). The Philippines looks forward to further, bolder steps to be taken by the Security Council to counter piracy. Moreover, the Philippines expects that future actions by the Security Council will take into full consideration the safety and security of the lives of the hostages.

The Philippines also fully supports efforts led by the United Nations and concerned countries and international organizations to assist in the stabilization of Somalia, in partnership with the Government of Somalia, and in finding a long-term solution to this international crisis. The Philippines is doing its part to help Somalia. During the African Union Summit held in Tripoli on 31 August, President Gloria Macapagal-Arroyo met with Somali President Sheikh Sharif Sheikh Ahmed and offered the Philippines' assistance in training and strengthening the capabilities of the Somali coast guard. As a result, the Philippines is pleased to report that a high-level Somali delegation led by the Deputy Prime Minister and the Minister of Fisheries and Marine Resources will arrive in Manila this month of November to discuss the details of this capacity-building exercise. Somalia was also invited to join some 80 representatives from 26 countries participating in the capacity-building workshop on regional cooperation against piracy and armed robbery in Asia, held in Manila from 10 to 12 November. The Philippines has also made a financial contribution in support of the Somali security institutions.

In conclusion, the Philippines hopes that the international community's attention and efforts to address the clear and present danger of piracy off the coast of Somalia will not wane, but instead intensify with the goal of ending this scourge.

The President: I call on the Permanent Representative of Seychelles.

Mr. Jumeau (Seychelles): I should like to thank you, Sir, for this opportunity to address the Security Council, the Secretary-General for his report (S/2009/590) and Special Representative Ahmedou Ould Abdallah for his briefing.

Seychelles is by far the smallest and most vulnerable country to be directly impacted by the spillover of the instability in Somalia. By spillover I mean, of course, the piracy that, as the Secretary-General has pointed out in his report, continues to spread farther East and South into the Indian Ocean, in and around the waters of Seychelles and beyond.

To us in Seychelles, the scourge of piracy is not just affecting the freedom of the seas, maritime trade, humanitarian aid or the security of international shipping. To Seychelles, piracy in the Indian Ocean is severely endangering our national security, territorial integrity and economic development, stability and viability.

The greatest handicap Seychelles faces in combating piracy is that its 115 far-flung islands are sprinkled over an exclusive economic zone of 1.4 million square kilometres. This vast ocean territory is larger than France, Spain, Portugal, Belgium, the Netherlands and Luxembourg combined. Despite Seychelles having a population of just 85,000 and, consequently, very limited naval and military resources, the Government has had to stationed troops on our outlying islands to protect our territorial integrity and national security. We are drawing up new anti-piracy legislation and beefing up our coast guard and relevant investigative, prosecutorial, judicial and custodial institutions as best we can within our limited resources.

While it is true we are receiving some help here from our bilateral and multilateral partners, including the United Nations Office on Drugs and Crime and the International Maritime Organization, more is needed. This is because Seychelles is having to divert scarce funds from its economic and social development to defend the country against pirates. This is happening at a time when the country is quickly losing much-needed revenue and suffering escalating unforeseen costs because of the pirate attacks, while at the same time struggling through difficult but vital budget-cutting economic reforms in collaboration with the International Monetary Fund.

For example, pirate attacks in and around Seychelles have slashed our revenue from fishing, the second most important pillar of our economy after tourism, by more than half. The tuna catch by fishing boats operating out of our capital Port Victoria has also tumbled by 50 per cent to the lowest figure since the 1980s. Several distant-water fishing vessels which were operating out of Port Victoria have left the Indian Ocean altogether. The number of boats seeking licences to fish in Seychelles's exclusive economic zone is declining, and even our own domestic fishermen fear putting out to sea. We finally had to allow foreign boats to take troops or armed security guards on board to protect them while fishing.

More than 80 per cent of what we consume is imported, mostly by sea. The cost of maritime insurance has shot up, and some cargo ships are now bypassing Seychelles and unloading goods destined for our islands in other ports. All this has helped push up prices and the cost of living. Some cruise ships have cancelled their cruises in and around Seychelles, and private yachting is on the decline. Sea travel to our most distant islands has to be done by convoy.

Unable to effectively protect such a vast territory on our own, we have had to turn to our friends abroad for help. As a result, our population has watched with a mixed sense of anxiety and reassurance as Seychelles has fast become an increasingly important hub in the fight against piracy as it spreads farther and farther into the Indian Ocean.

A signatory of the Djibouti Code of Conduct, Seychelles has also signed status of forces agreements and/or memorandums of understanding with the United States, the European Union, France, Britain and Belgium. Further agreements are being negotiated with NATO and the United Arab Emirates, and we have active military cooperation with India, Russia and other friendly countries. We have allowed the United States to station unmanned aerial vehicles or drones in Seychelles to supplement the multinational military surveillance aircraft flying from our islands to seek out pirates and alert naval forces and international shipping as to their whereabouts. Meanwhile, we await various kinds of assistance that have been promised to us to help boost our own contribution to the fight against piracy, and we would welcome more.

In this regard, we welcome the establishment of an international trust fund by the Contact Group on piracy to complement the Djibouti Code of Conduct trust fund. The Seychelles Government would also support an arrangement whereby pirates convicted in other countries could serve their prison terms in Somalia.

As the Council can see, Seychelles is both in the thick of it and on the front line, but not of our own choosing. We have no choice, as we are the only country in the Indian Ocean to be under siege from pirate attacks, not against us per se, but against anything they see moving in and around our waters.

Despite the escalating international military build-up in the Indian Ocean, the biggest in any one region in recent times, we in Seychelles are under no illusion that the long-term solution to piracy in the region and to the security and economic problems it is causing our islands lies in addressing the root cause — the unrest in Somalia itself. The Seychelles Government therefore supports the Secretary-General's call to strengthen the capabilities of the Somali Transitional Federal Government and of the African Union Mission in Somalia, to restore the rule of law, peace, security and progress to Somalia and, in doing so, to also help eradicate piracy from its shores.

Peace will not return to the waters of the Indian Ocean, nor tranquillity to the paradise islands of Seychelles, until there is peace in Somalia. Until then, Seychelles will remain committed to and active in the fight against piracy in the region, but only as far as its resources allow.

The President: I call on then representative of Spain.

Mr. Yáñez-Barnuevo (Spain) (*spoke in Spanish*): My delegation, of course, endorses the statement made

earlier in this debate by the representative of Sweden on behalf of the European Union.

The incidents that continue to occur in the waters off Somalia demonstrate every day that piracy is not a problem of the past but constitutes a grave threat to international maritime navigation and legitimate fishing activities. Spain firmly condemns all acts of piracy and believes that it is necessary to join forces internationally to put an end to this scourge.

The means used in the seizures off the coast of Somalia have evolved in recent times. The pirates undertake daring and highly organized operations, perpetrating their crimes at ever-increasing distances from the coast. It is therefore necessary to enhance means of protection so that the delivery of humanitarian aid, international navigation and commercial activities can be safe once again in those waters.

As stated in the 13 November report of the Secretary-General (S/2009/590), introduced to the Council by the Special Representative of the Secretary-General, Mr. Ould Abdallah, the coordination of the efforts of the international community and the Somali authorities will be crucial in order to successfully deter pirates and armed robbery in the region.

Spain is one of the many States behind the European Union naval Operation Atalanta, a fine model for contribution to safety at sea, together with forces deployed by NATO and regional States and organizations. Through coordination of its own forces and those of third parties, the World Food Programme seeks to protect its vessels as they deliver humanitarian aid to Somalia. Secure maritime corridors have been established in the Gulf of Aden for the vessels of the African Union Mission in Somalia (AMISOM) and their provisions.

As the Permanent Representative of Sweden noted earlier, the European Union has decided to extend Operation Atalanta to December 2010. Spain and the entire European Union believe that it would be important to receive a strengthened Security Council mandate in order to provide more effective coverage to the entire area under threat.

One of the greatest challenges to be met is the rise in piracy that is affecting the security and economic development of the region as a whole. Much remains to be done, as shown by the high number of vessels and crews still being held by pirates, including Spanish vessels. The most recent incident was the capture of the fishing vessel *Alakrana*, which was fortunately freed yesterday.

On behalf of the Government of Spain, I would like to express my thanks for the cooperation of the countries of the region in this fight, in particular Kenya, whose contribution is crucial to apprehending and trying the pirates. We would also like to thank the Republic of Seychelles for its cooperation. I would also like to emphasize the assistance of the African Union through AMISOM and of the troop-contributing countries, in particular Uganda and Burundi.

Spain has played a full part in the work of the Security Council on that issue, together with other Member States with a particular interest in combating piracy. We have sponsored the various resolutions that have been adopted on the matter. We will therefore be pleased to co-sponsor a draft resolution allowing the Council to extend the mandate set out in the provisions of resolution 1846 (2008) and subsequent resolutions.

The Government of Spain is aware that the deep-rooted causes of piracy in the waters off the coast of Somalia are to be found not at sea, but on land. Somalia continues to be beset by a cruel civil conflict that has cost the lives of hundreds of thousands of Somalis over decades of chaos and hostilities. According to the United Nations High Commissioner Office for Refugees, the number of internally displaced persons is approaching 1.5 million.

Hence, the international community must strengthen its support for the Transitional Federal Government, the legitimate Government of Somalia. The Government of Spain, inter alia, participated actively in the donor conference for Somalia held in Brussels in April. On that occasion, Spain committed nearly €8 million, which has already been disbursed.

Spain trusts that, with the resolute support of the international community, the Transitional Federal Government will be able to complete the reconciliation process under way and, pursuant to the Djibouti agreement, achieve progress on an inclusive national dialogue embracing the largest possible number of stakeholders from Somali society. We also believe it necessary to decisively address security sector reform and to work on disarmament, demobilization and reintegration projects.

We need to define a comprehensive strategy for Somalia here at the United Nations, and it is therefore necessary to rely on the African Union, the European Union, the Intergovernmental Authority on Development and other regional actors involved.

The European Union is taking important steps to reinforce security through the preparation and future approval of a joint mission to train the security forces of the Transitional Federal Government. Spain is willing to play its part in that operation and, indeed, to lead it. That will mark our ongoing contribution to the Somali police via the African Union, now standing at $8 million.

Spain, as President of the European Union as of January 2010, will lend all its support to ensuring that identification of a common strategy for Somalia remains at the fore of the international agenda. To that end, Spain intends to convene an international conference on Somalia in the first half of 2010, in coordination with the efforts of the international community in support of the Transitional Federal Government. We trust that the outcome of that international conference will be a political strategy that will make a decisive contribution to bringing peace, good governance and reconstruction to Somalia.

The President: I now give the floor to the Special Representative of the Secretary-General, Mr. Ould Abdallah, to respond to comments and questions.

Mr. Ould Abdallah: At the outset, I would like to thank all those who have had such kind words of support for my Office and me and, in particular the Permanent Representatives of the United Kingdom and France, who I am meeting today for the first time.

Everyone agrees that in order to address the issue of piracy, land security needs to exist. There is no dispute on that point. However, how do we achieve that goal? To do so, first of all, donors must, in my opinion, deliver financial and other assistance to the Somali Transitional Federal Government, as pledged in Brussels last April. The difference between pledges and effective delivery is stark. We have to deliver what has been promised.

Secondly, it is vital that the salaries of police officers be paid. The police in Somalia have not been paid in 16 months. That is a fact, so there is little point in training more officers if we are not sure of being able to provide them with salaries, equipment and the means to make their living. If we cannot do that, they will take it from the streets. They will turn to extortion. I have to be honest with the Council — this is a problem. How can we train if we are not sure we can pay to equip?

Thirdly, training without stipends will simply make them, as I said, more effective and violent on the street. We have to help the Government to be capable of delivering, to take responsibility vis-à-vis its population and to be able to be our partner.

To be fair, the burden of providing security in Somalia, especially in Mogadishu, should not be left to AMISOM alone, and I mean to the troops from Uganda and Burundi. They are doing a great job under difficult circumstances. Pledges made in Brussels to support them should be fulfilled without delay. And we must acknowledge the role played in this regard by the African Union Commission and its Chair, Libya, with which my Office has an excellent working relationship.

I offer many thanks for something new: countries that have initiated and put into effect a mechanism — not to analyze the crisis in Somalia, to say that it is bad or good and so on — but to pay effectively and to help. Working with an international auditing firm, they help with the mechanism.

But very few countries — China, Libya, Norway and the United States of America — have contributed. They have contributed, not with analyses but by helping the Government to deliver. Other countries — Algeria, Djibouti, Kenya and Yemen — have contributed in their own way. That is how the Government has been able to resist armed and funded external aggression.

I would also like to take this opportunity to encourage the millions in the Somali diaspora in Europe, America and Australia to do all they can to help bring peace and security to their country of origin, so that they can have a place that they would happily call home.

Finally, in terms of the political situation and peace in Somalia, I would like to remind all those who advise — and they should advise, as advice is always important — that the Government is legal and legitimate and has, on its own, survived armed and foreign-supported aggression for two months. AMISOM has helped, I should add. It needs to be

strengthened, and this is why I am grateful to the countries I mentioned earlier, which have provided immediate assistance, not only humanitarian, but with cash to pay police. That can strengthen the Government and help it continue the dialogue it is having with the opposition.

The Secretary of State for Defence is from the opposition. Many members of the Government are from the opposition. We have to continue our work — as we did in Burundi, Liberia and everywhere else — implement the Djibouti agreement and call for new reconciliation. A new conference could weaken the Government and encourage the radicals and the business around them. By that, I mean piracy.

Our problem is that many people are against peace. It prevents them from enjoying lucrative profits. So there is a need for more discussion among Somalis in Somalia, but the so-called panacea of international conferences held externally could do more harm than help. We must always operate first and foremost under the principle of "do no harm". Reconciliation efforts should be done in Somalia. That is what is good for the country and good for the United Nations.

I thank the presidency of the Council, as well as its embassy in Nairobi with which we work very closely, as we do with the Council here.

The President: There are no further speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 12.55 p.m.

United Nations S/PV.6222

Security Council

Sixty-fourth year

Provisional

6222nd meeting

Monday, 23 November 2009, 10 a.m.

New York

President:	Mr. Mayr-Harting	(Austria)
Members:	Burkina Faso	Mr. Kafando
	China	Mr. Liu Zhenmin
	Costa Rica	Mr. Urbina
	Croatia	Mr. Vilović
	France	Mr. De Rivière
	Japan	Mr. Takasu
	Libyan Arab Jamahiriya	Mr. Dabbashi
	Mexico	Mr. Puente
	Russian Federation	Mr. Churkin
	Turkey	Mr. Apakan
	Uganda	Mr. Mugoya
	United Kingdom of Great Britain and Northern Ireland	Sir Mark Lyall Grant
	United States of America	Ms. DiCarlo
	Viet Nam	Mr. Bui The Giang

Agenda

The situation in Bosnia and Herzegovina

Letter dated 12 November 2009 from the Secretary-General addressed to the President of the Security Council (S/2009/588)

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09-61649 (E)

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The meeting was called to order at 10.15 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in Bosnia and Herzegovina

Letter dated 12 November 2009 from the Secretary-General addressed to the President of the Security Council (S/2009/588)

The President: I should like to inform the Council that I have received letters from the representatives of Bosnia and Herzegovina, Serbia and Sweden, in which they request to be invited to participate in the consideration of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the consideration of the item, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

I request the Protocol Officer to escort His Excellency Mr. Nikola Špirić, Chairman of the Council of Ministers of Bosnia and Herzegovina, to a seat at the Council table.

Mr. Nikola Špirić, Chairman of the Council of Ministers of Bosnia and Herzegovina, was escorted to a seat at the Council table.

The President: On behalf of the Council, I extend a warm welcome to His Excellency Mr. Nikola Špirić, Chairman of the Council of Ministers of Bosnia and Herzegovina.

At the invitation of the President, Mr. Starčević (Serbia) and Mr. Lidén (Sweden) took the seats reserved for them at the side of the Council Chamber.

The President: In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to His Excellency Mr. Valentin Inzko, High Representative for Bosnia and Herzegovina.

It is so decided.

I invite Mr. Inzko to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

I should like to draw the attention of members of the Council to document S/2009/588*, containing a letter dated 12 November 2009 from the Secretary-General transmitting the thirty-sixth report on the implementation of the Peace Agreement on Bosnia and Herzegovina.

At this meeting, the Security Council will hear a briefing by His Excellency Mr. Valentin Inzko. I now give him the floor.

Mr. Inzko: Allow me before I begin my briefing to recall May 1992, 17 years ago, when the Austrian President of the Security Council, Mr. Hohenfellner, introduced draft resolutions proposing United Nations membership for Slovenia, Croatia and Bosnia and Herzegovina. The General Assembly acted accordingly on 22 May 1992 (see A/46/PV.86), and since then Bosnia and Herzegovina has been a State Member of the United Nations. In Slovenia, to this day, that date is celebrated as the day of Slovenian diplomacy. Nor has that important day been forgotten in Bosnia and Herzegovina.

Seventeen years later, let me today congratulate Bosnia and Herzegovina on its election to a seat on the Security Council. This, in my view, is Bosnia and Herzegovina's greatest foreign policy achievement since the signature of the Dayton Agreement. However, it is of course also a huge responsibility for the country, which I believe Bosnia and Herzegovina will shoulder well, with the kind and generous assistance of the other members of the Council.

For 14 years, the international community has worked with the people of Bosnia and Herzegovina to rebuild their society, focusing on the practical challenges of post-war recovery and Euro-Atlantic integration. Development in Bosnia and Herzegovina today no longer focuses on practical challenges, but on a fundamental political debate which has, not resolved a number of relevant political problems. The international community is working intensively with its partners in Bosnia and Herzegovina to resolve this debate. When that is done, we can achieve rapid

progress towards our final objective: a sovereign, prosperous and democratic Bosnia and Herzegovina fully integrated in Euro-Atlantic structures.

But we have not yet resolved all the open political issues in Bosnia and Herzegovina, and as a result we have seen a series of obstacles, delays and failures. All of these failures are, basically, a consequence of political differences and, sometimes, obstructionism. I believe, for two reasons, that we will find a way around obstruction.

First, Bosnia and Herzegovina is a society with distinctive, if sometimes specific, ways of producing consensus. It may not always be possible to find the most straightforward solution, but I am confident that in due course we will find a Bosnian way, and that this will allow us to reach our ultimate objective.

Secondly, Bosnia and Herzegovina is part of the sustained international effort to integrate the countries of the Western Balkans into Euro-Atlantic structures. The international community cannot and must not abandon its massive investment of political and material resources because of the present difficulties. Resolving the political impasse in Bosnia and Herzegovina is in our interest as well as the interest of the people of that country.

The unresolved political issues I mentioned earlier, are a product of two confusions. First, there is confusion in the Republika Srpska over the nature of the entity and the nature of the State; and there is confusion in both entities about the proper focus and functioning of politics and the State as a system. The Republika Srpska leadership has failed to grasp that the State and entity authorities have separate and clearly defined mandates and that each must do its work, complementing the other. This discrepancy in approach has generated considerable difficulties.

At the same time, a number of political leaders in the Federation advocate a much stronger role at the State level and a reduced role for the entities in the State structure of Bosnia and Herzegovina. This too does not contribute to improved dialogue and forward-looking politics.

The reporting period has been characterized by persistent political problems and a lack of progress on key agendas in which Bosnia and Herzegovina is involved. As a result, a number of laws that were required for Euro-Atlantic integration and for the closure of my office have been delayed. At the same time, the Council of Ministers has failed to make key appointments at the highest level of Government and State agencies. This has further slowed progress and the development of a professional public administration.

On 1 October, Serb members of the House of Representatives voted down a law that would have extended the mandates of international judges and prosecutors working in the State court and the Prosecutor's Office, despite repeated requests from all the judicial institutions in Bosnia and Herzegovina, from the International Tribunal for the Former Yugoslavia and from non-governmental organizations working in the fields of anti-corruption and war-crimes prosecution to extend the mandate. The relevant authorities also failed to undertake any serious effort to replace these international judges and prosecutors with local counterparts. This issue is still unresolved, and I fear that a failure to solve the extension of the judges and prosecutors may result in a collapse of the judicial system in the country.

It is self-explanatory why the fight against organized crime, corruption and terrorism is so important. Bosnia and Herzegovina's capacity to pursue war crimes trials is equally crucial to the individualization of the guilt and the reconciliation process in general.

A consistent pattern can be identified in this behaviour. Parties from Republika Srpska frequently criticize State-level institutions for lack of efficiency at the very same time as they are actively engaged in undermining those same institutions. In other words, from time to time they create a problem at the State level and then criticize the State for having the problem. This is happening at the same time as Bosnia and Herzegovina is desperately struggling to become a member of NATO and the European Union (EU). We thus have a disagreement and confusion over the nature of the entity and the nature and the functions of the State.

The second confusion involves the proper focus of politics. As I said earlier, this has been a problem not only in Republika Srpska, but also in the other entity — the Federation. During the reporting period, tens of thousands of jobs were lost in Bosnia and Herzegovina as a result of the world recession and of the failure to ensure cooperation and proper fiscal

coordination in the country. This represents an existential crisis for thousands of families in Bosnia and Herzegovina. It is a crisis that has been largely ignored by the political establishment. Where there has been any focus at all on the economy, it has concerned the spending cuts that were required by the International Monetary Fund (IMF) before it would disburse the first tranche of a €1.2 billion loan in July.

The new Federation Prime Minister, Mustafa Mujezinovic, appointed on 25 June after his predecessor resigned amid corruption allegations, has had to face well-orchestrated protests from budget beneficiaries who stand to lose money as a result of the IMF-mandated cuts. There have been numerous problems in this regard; however, the latest IMF mission to Bosnia and Herzegovina ended successfully last week, which should now open up the disbursement of additional IMF funds. In this regard, I would like to thank Prime Minister Špirić for the speedy and successful negotiations with the IMF.

In related areas, progress in the reporting period has been limited and further compromised by the failure, for political reasons, to appoint key personnel. This was also confirmed by the European Commission's progress report in October, which outlined that overall only "limited progress" has been achieved in addressing EU-related reforms. Meanwhile, 120,000 citizens continue to be classified as internally displaced, amid the constant politicization of the issue of refugee return. However, there has been no agreement to provide for a sustainable solution to this problem, and the strategy for refugee return has been blocked for years now.

I want to make it clear that this litany of administrative problems, parliamentary gridlock, and frequent Government stalemate has political, not structural or administrative roots, although such causes also exist. However, there can be progress if there is political will. Clear evidence of this is the progress in addressing the conditions for visa liberalization. I want to commend and thank Prime Minister Špirić and other political leaders in this regard. Prime Minister Špirić has successfully accelerated the adoption of a number of draft laws relevant to the visa liberalization agenda, which we hope will keep the time gap between Bosnia and Herzegovina and the other countries of the region as small as possible.

It is for the aforementioned political problems that the diplomatic initiative being spearheaded by Carl Bildt for the European Union presidency and James Steinberg for the United States Department of State is so important. This is a resolute attempt to grasp the bull by the horns and sort out the political problem at the heart of Bosnia and Herzegovina's present difficulties. This is the highest level political effort since Dayton, and there is no other process ongoing at present. I have repeatedly welcomed and strongly supported these efforts, and I hope that this joint EU-United States initiative will come to a positive conclusion in early December.

The joint EU-United States efforts, as well as the recent visits of the British, Russian and Turkish Foreign Ministers and other high-level dignitaries, such as those of President Mesić last week and Prime Minister Kosor on 2 November, are very important and welcome, but nevertheless a clear indication that continued high-level attention from the wider international community is still needed to keep Bosnia and Herzegovina on the right track.

Progress in the EU-United States initiative will have a direct bearing upon the future of the Office of the High Representative (OHR). As Council members know, in February 2008 the Peace Implementation Council Steering Board drew up five objectives and two requirements that must be met before my Office can be closed to make way for a strengthened EU Special Representative. At that time, it seemed reasonable to expect these objectives and conditions to be met fairly quickly, and in the course of 2008 we saw substantial progress. During the current reporting period, however, we have sometimes also witnessed regression.

The two objectives related to State and military property have not yet been met and the conditions for closing the Brcko District supervision have not yet been entirely fulfilled. As a result, the Peace Implementation Council is not at present able to make a positive assessment that would allow for the closure of OHR. This was confirmed last week by the Peace Implementation Council. The lack of progress on the so called 5+2 agenda by domestic political leaders has also forced me to use my executive powers on a number of occasions.

As Council members know, I am the fourth High Representative who has simultaneously held the

position of EU Special Representative. There are clear synergies to be derived from this arrangement, but at the same time it has to be recognized that it was initiated when circumstances in Bosnia and Herzegovina were fundamentally different. Thus, the time may have come to review the usefulness of having the two positions held by the same person. This, however, is only one possibility for the way forward that will have to be considered in the coming months.

By the same token, for the past three years, as attention has focused on closing OHR, the use of the Bonn powers has been scaled back. OHR intervention in the domestic political system has been further constrained by the desirability of giving the political actors greater political space to explore possibilities for consensus as part of the current EU- and United States-led negotiating process.

The task before us is to complete the rule of law and economic reform agenda, resolve the issue of State and defence property, make provision for continued refugee return and, where necessary, eliminate the political obstructions to those Dayton objectives. I am confident that we can find international consensus on the right way to do this. None of the Peace Implementation Council Steering Board members want the situation in Bosnia and Herzegovina to deteriorate further. At the same time all — and I stress all — of the Steering Board members support full implementation of the Dayton Peace Agreement, and that gives us good reason for moderate optimism.

I would like to commend the Security Council for its adoption last week of resolution 1895 (2009), approving the extension of the mandate of the European Union military mission in Bosnia and Herzegovina (EUFOR). The international community's military presence — down from 60,000 soldiers after the war to 2,000 troops today — is clear evidence of positive developments in the country. However, I consider that a continued EUFOR deployment, with an executive mandate, is still important, as it is a guarantee to citizens that the international community will not tolerate the possibility of a return to violence.

Despite the somewhat gloomy nature of my report this morning, I am still confident that Bosnia and Herzegovina can break out of the present impasse. The country is now at a crossroads, and the political leaders will now need to decide whether they are ready to fulfil the necessary conditions that would help them move forward on Euro-Atlantic integration and whether they are ready to address the conditions needed for the closure of the Office of the High Representative and the transition to a reinforced EU engagement. However, the international community, as I mentioned, will equally have to decide on its future presence in Bosnia and Herzegovina, because a robust international presence will still be needed after the closure of the Office of the High Representative, as the challenges deriving from the Dayton Agreement will still need to be addressed. But the question will be in what role and with what mandate the international community will stay in Bosnia and Herzegovina in the future. That is an issue that the Peace Implementation Council will have to decide upon in 2010.

As I have mentioned before, the international community is now engaged in an intensive exercise which would not only make the country more functional but also support the enormous human capital of the country. Let us remember that Bosnians and Herzegovinians have shown resilience, creativity and fortitude in the past. I know that, with their help, we can improve the present situation and move ahead to strengthen Bosnia and Herzegovina as a sovereign, prosperous, stable and democratic country, standing on its own and, in the future, fully integrated into the Euro-Atlantic family.

Finally, I would like to thank the outgoing High Representative, Javier Solana, for his efforts to strengthen peace and security in Bosnia and Herzegovina, and I would like to wish him all the best for his future.

The President: I thank Mr. Inzko for his briefing.

I now invite His Excellency Mr. Nikola Špirić, Chairman of the Council of Ministers of Bosnia and Herzegovina, to take the floor.

Mr. Špirić (Bosnia and Herzegovina) (*spoke in Bosnian; English interpretation provided by the delegation*): May I first extend my warm greetings to all present and express my pleasure at having been given the opportunity, for the sixth time, to report to the Security Council on the current situation in Bosnia and Herzegovina. This is also an opportunity for me to share my views on the situation in Bosnia and Herzegovina and the challenges and dilemmas we are facing.

Since the previous Security Council meeting of this kind, in May (see S/PV.6130), the Bosnia and Herzegovina Council of Ministers has held 20 sessions, 18 of which were regular and two of which were thematic. Thirty-eight bills and a number of important strategies and action plans were discussed and adopted at those sessions. The absolute priority — my own and of my Office — was to meet the conditions for the liberalization of the visa regime for citizens of Bosnia and Herzegovina. It is with great pleasure that I can report that last week we fulfilled all requirements set out in the European Commission's visa regime liberalization road map falling within the competence of the Council of Ministers.

That was not an easy task, because we needed to meet 174 requirements. Yet this achievement illustrates that it is possible for domestic stakeholders to reach agreement. Thus, in a relatively short period of time we have succeeded in formulating an international legal assistance bill, a border control bill, an anti-money-laundering bill, a criminal code amendment bill and an anti-corruption and coordination agency amendment bill. We also drafted and adopted a number of strategies such as a strategy to combat organized crime, a strategy to combat corruption and an action plan for the implementation of the strategy, a strategy to reintegrate returnees, and a strategy to prevent money laundering and the financing of terrorist activities along with its corresponding action plan for the period 2009 to 2013. We also agreed upon a model for information exchange among police authorities, as well as other decisions.

In addition, we adopted a number of system-wide measures, thus enabling all institutions at all levels to prepare for the issuance of the new biometric passport. To date, more than 10,000 biometric passports have been issued, while several thousand applications are currently being processed. Having fulfilled the road map requirements, we made significant progress which, unfortunately, we failed to sufficiently promote within and outside Bosnia and Herzegovina. Thus, yet again, a success achieved by Bosnia and Herzegovina was overshadowed by other less successful processes or attempts at reform, which, by coincidence or not, came at the same time.

It is exactly for that reason that I believe that linking the issue of visa regime liberalization to any other process within Bosnia and Herzegovina is utterly counterproductive. Countless times we have been assured by the European Commission that the road map requirements are of a technical, not a political nature. Hence, I want to believe that that assurance will be reflected in practice and that, following a positive report, we will be treated in the same manner as neighbouring countries, in whose progress I take sincere delight. Reports by international non-governmental organizations indicate that Bosnia and Herzegovina has met more conditions at this point than the neighbouring countries had met at the time when they were awarded a positive recommendation by the European Commission. Hence, I would like to express my firm conviction that our progress will soon be formally endorsed by the European Commission in the form of a positive recommendation.

In addition, during the past period we have adopted and submitted to parliamentary procedure 38 bills, of which I would single out the anti-mine bill, the free zones bill, the general product safety bill, the tobacco product bill, the census bill — which, despite the consensus reached at the level of the working group charged with developing the bill and at the level of the Council of Ministers, was not supported by the Bosnia and Herzegovina Parliamentary Assembly — and the borrowing, debt and guarantee amendment bill, as well as the draft budget for 2010, which was submitted to the Presidency of Bosnia of Herzegovina for consideration. We have also adopted a number of strategies and action plans, such as the Bosnia and Herzegovina communication strategy for the NATO integration process, the small and medium-sized enterprises development strategy, the strategy and action plan for the control of small arms and light weapons and others.

In the period from May to November, the Fiscal Council held four sessions. Among the outcomes of those sessions was the agreed draft budget for 2010, which was forwarded to the Presidency of Bosnia and Herzegovina for further procedure in a timely manner. Over the recent period, the Council of Ministers and entity governments have been committed to fulfilling the conditions set out in the letter of intent signed with the International Monetary Fund (IMF) with a view to preserving the macroeconomic stability of the country. An IMF mission visited Sarajevo last week and gave a positive statement on the extent to which the conditions had been fulfilled thus far.

As regards the conditions for the transformation of the Office of the High Representative to an Office of

the European Union Special Representative, I would like to share my conviction that the 5+2 conditions will not turn into 5+2+1, which, to put it mildly, would further complicate things.

Since I had been informed by international officials that the State property inventory conducted by the Office of the High Representative would soon be finalized, and with a view to facilitating the resolution of that issue during the last session of the Council of Ministers, I submitted that the decision should be amended in such a way that the State Property Commission would be tasked with producing, within a period of 30 days, a preliminary list of the property that Bosnia and Herzegovina institutions require in order to exercise their constitutional competences. Unfortunately, the ministers representing the Bosniak people were not willing to vote in favour of such a decision, the implementation of which would finally meet the conditions for the transformation of the Office of the High Representative.

The purpose of my statement today is to give the Council a true picture of what has been achieved in Bosnia and Herzegovina. My intention is not to present any fabricated information or to create a perception that Bosnia and Herzegovina is a country free of problems and challenges. After all, I am not certain there is a country that has successfully trod the Euro-Atlantic path without encountering any difficulties or challenges. At the same time, I should like to reassure those who persistently insist on finding that Bosnia and Herzegovina has seen no progress at all and that all prospects are nothing but bleak that that is not the case, by sharing specific and verifiable information. Too much pessimism is never an ally in attaining the ultimate goal.

With no intention of entering into any debate with the High Representative with regard to his report (see S/2009/588*) that has been submitted to the Council, I find that the document does not leave much room for optimism. I fear that the international representatives in Bosnia and Herzegovina have fallen into the same pitfall that has trapped some leaders for years now — that of seeking the culprit, not the solution. And I shall again repeat what I have said on many occasions. In Bosnia and Herzegovina no party is either exclusively guilty or absolutely innocent, and I urge the Council to take that fact into account when considering any report on Bosnia and Herzegovina.

To an adept analyst, the report tells more about the Office of the High Representative and the situation and relations within it than about the situation in Bosnia and Herzegovina. If the High Representative's report depicts the true state of affairs in the country, then I need to ask a question, quite openly: how is it possible, then, that Bosnia and Herzegovina was elected to a non-permanent seat in the Security Council? I always believed that such an honour was given to those countries in which real and visible progress had been made. Another question may be posed as well: how is it possible that almost all European Union member States supported Bosnia and Herzegovina's candidacy as a non-permanent member of the Security Council when there is no readiness to support even Bosnia and Herzegovina's application for European Union membership? There are too many illogicalities and too much experimenting with Bosnia and Herzegovina — just as there are so many dilemmas and challenges to which all of us need to respond in an appropriate manner.

If things are as dire as described in the High Representative's report, then one may justifiably wonder what all of us together have been doing in the recent past. On more than one occasion, I have underlined that the international community is not a mere observer, but an active participant in all processes in Bosnian and Herzegovina.

I have said that my intention is not to debate the report presented by the High Representative. However, I feel a moral and professional obligation to note certain details in the report that do not reflect the true state of affairs.

For example, in paragraph 18 of the report, the High Representative claims that over much of the summer the Council of Ministers was unable to meet or make decisions. Thus I feel an obligation, in my capacity as the Chairman of the Council of Ministers, to inform the Council that in the period from 1 June to 30 September 2009 the Bosnia and Herzegovina Council of Ministers held 10 sessions during which 321 agenda items were discussed and 20 bills were adopted. It is true that the Council of Ministers did not sit in August partly because of the regular summer break and partly because of a detail omitted from the High Representative's report, which is the failure of one of the ministers representing the Bosniak people to attend one of the scheduled sessions.

In addition, I would like to use this opportunity to inform the Council that I have recently forwarded the decision to appoint the new Security Minister for further procedures. I did so although I still hold that appointing the key directors of State agencies is as important as appointing the Security Ministers. I opted to take such a step in the hope that the party, which remained unnamed in the High Representative's report and which has been impeding the appointment of the directors of State agencies, will demonstrate a sound sense of responsibility and unfreeze the process. What cannot be overlooked, though, is the fact that the key State agencies, which have billions of Euros at their disposal, are managed by directors whose terms in office expired long ago. I am of the view that we should not allow any further degradation of vacancy procedures or hindrance of the process.

On a number of occasions, when addressing the Security Council, I have pointed out that the Republic of Srpska can be a vehicle for the development of Bosnia and Herzegovina, not a threat to it. I fear that the High Representative's report delineates the contours of the latter. In the report, I could not find one single positive conclusion concerning the Republic of Srpska and its institutions, although it is known and recognized in general that the Republic of Srpska is the more functional and efficient part of Bosnia and Herzegovina. The opinionated tone with which the report refers to the Republic of Srpska as an obstruction and the federation of Bosnia and Herzegovina as being in difficulties cannot but disturb any objective observer.

I fear that the associates of the High Representative who contributed to this report — primarily the local staff — have fallen into the trap of being superficial and unprofessional. The allegations and statements about the Prime Minister of the Republic of Srpska, Mr. Milorad Dodik, indicate that he should wait for others in Bosnia and Herzegovina to grow up politically and that he should wait for the Office of the High Representative and the High Representative himself to accomplish their tasks. That situation has already produced unprecedented political parasitism and threatens to undermine the credibility not only of domestic institutions but of the international community as well.

Constitutional reform has been a burning issue in Bosnia and Herzegovina. I would first like to point out that the issue of constitutional reform should in no way be tied to the issue of the transformation of the Office of the High Representative into the European Union Special Representative. Specifically, constitutional reform is not an established precondition for the closure of the Office of the High Representative, while the closure of the Office is a precondition for a new phase in relations between Bosnia and Herzegovina and the European Union. That is the current message from Brussels, with which I fully concur.

I do not deny the necessity of constitutional reform, but I believe that the manner in which this issue is approached must be designed more carefully. I believe that it is only through a step-by-step approach that the desired goal can be attained. It has been pointed out on a number of occasions that when it comes to constitutional reform, only solutions based on evolution and not on revolution are possible in Bosnia and Herzegovina. To that I would add, once again, that whenever all-or-nothing principles have been applied, Bosnia and Herzegovina has ended up with nothing.

I would like to thank the representatives of the European Union and the Unites States of America for the efforts they have invested and the interest they have expressed in constitutional reform through the Butmir process. However, I should also like to point out that constitutional reform must be the fruit of internal dialogue and compromise based on the Dayton Accords and in no way a solution imposed from elsewhere. It is quite clear that imposed solutions are, in the long run, unreliable, and that they create potential instability.

I believe that the statute of the city of Mostar may best illustrate that assertion. When, some time ago, a former High Representatives imposed the statute of the city of Mostar, it was believed that the problem was resolved. And where do we stand now? More than one year after the local elections, the city of Mostar has no mayor and it is quite uncertain when it will have one, given the city's statute.

Bosnia and Herzegovina is at a crossroads. In order to make further positive steps and achieve progress, what is needed is much less superficiality and much more earnestness on the part of both domestic stakeholders and the international community. Also, we all need a new optimism, which can be attained only through an internal dialogue, that will ensure further progress on the Euro-Atlantic agenda. I urge the Council to encourage the authorities of Bosnia and Herzegovina to seek the best possible solutions through

dialogue, and I urge the High Representative to act as a strong incentive to that dialogue.

I thank the Council for its kind attention, and I am quite willing and ready to answer any questions members may have.

The President: I thank His Excellency Mr. Špirić for his statement. I shall now give the floor to those Council members who wish to make statements.

Mr. De Rivière (France) (*spoke in French*): First of all, I should like to thank the High Representative for the statement he has just made and to state that we fully agree with his analysis of the situation in Bosnia and Herzegovina. I also welcome the presence of Mr. Špirić, the Chairman of the Council of Ministers of Bosnia and Herzegovina.

Sweden will speak later on behalf of the European Union, and France naturally aligns itself with that statement. More than a year ago now, Bosnia and Herzegovina took an important step in signing a stabilization and association agreement, which confirmed its wish to join the European Union (EU). We had hoped then that positive momentum would result from that act to confirm a European perspective, but we see today with regret that political divisions still exist.

France remains optimistic. Last year's Prud process opened the way to solutions. For now, the Butmir process initiated by the European Union and the United States is opening up some genuine prospects. The international community cannot take the place of Bosnia and Herzegovina's leaders and people in dealing with the country's problems. It is up to them to demonstrate the political resolve necessary to arrive at compromises and to head towards the future. The international community, particularly the EU, is mobilized and continues to follow developments attentively. In this regard, we welcome the adoption of resolution 1895 (2009), which extends the mandate of the European Union military mission in Bosnia and Herzegovina (EUFOR) for another year. This is an essential contribution from the EU to Bosnia and Herzegovina's cause.

Today's meeting could have been the opportunity to note some progress by announcing the closing of the Office of the High Representative and the arrival of a new phase, since the EU is ready to take on even more responsibility. But the five conditions and two objectives have still not been fulfilled, and I must thus reiterate the necessity for Bosnia and Herzegovina's leaders to come an agreement on a compromise. This is within their grasp; it is up to them to assume their responsibilities, and the international community calls upon them to do so.

Sir Mark Lyall Grant (United Kingdom): I would like to join you, Mr. President, and other Security Council colleagues in welcoming Mr. Nikola Špirić, the Chairman of the Council of Ministers of Bosnia and Herzegovina, and Mr. Valentin Inzko, the High Representative, to the Council Chamber today.

I would like to begin by thanking the High Representative for his comprehensive report on developments in Bosnia and Herzegovina over the last six months (S/2009/588*). The United Kingdom fully supports the actions taken by the High Representative to uphold the Dayton Agreement and his efforts to facilitate reforms in Bosnia and Herzegovina. We should also note that the Steering Board of the Peace Implementation Council unanimously reiterated its full support for the High Representative in its communiqué on 19 November. We also welcome the Security Council's decision of 16 November to extend the mandate of the European Union military mission in Bosnia and Herzegovina (EUFOR) for a further period of 12 months. Although we are pleased that the security situation in Bosnia and Herzegovina is currently stable, we agree with the High Representative that EUFOR's continued presence remains essential to underpin that security.

The United Kingdom shares the concerns set out in the High Representative's report about the situation over the last six months. It is a bleak and honest report. Despite some positive developments, there has been insufficient progress on key reforms. We have seen another negative European Commission progress report, and the political climate has deteriorated further, with a worrying increase in nationalist rhetoric, particularly, but not exclusively, from the authorities in the Republika Srpska. This threatens to seriously impede any further progress.

At the same time, other countries in the region are getting ready to make big steps forward towards integration with the European Union and NATO. Unless Bosnian political leaders take urgent steps to unblock the current stalemate on reform, Bosnia and Herzegovina runs a serious risk of being left behind the

rest of the region. We would not like to see this happen. The views of Bosnian political leaders vary in many areas, but they have all made it clear that they support the country's EU aspirations. The European Commission has been equally clear that an EU membership application cannot be considered while the Office of the High Representative (OHR) remains in place. It is therefore essential that the "5 plus 2" objectives and conditions for closing the Office be met in full to allow for transition from OHR to the reinforced EU Special Representative. With the aim of EU integration in mind, we hope that Bosnian political leaders will be able to reach agreement on some modest reforms to bring the country's Constitution into line with the European Convention on Human Rights and to improve the efficiency and functionality of the State-level institutions.

Since the European Commission's progress report was issued in October, important steps have been taken by Bosnia and Herzegovina on the reforms necessary for visa liberalization. It is also good to hear about the successful International Monetary Fund mission to Sarajevo and the number of legislative measures enacted or in train. We welcome this progress, which demonstrates what can be achieved when the political will exists, and we call on Bosnia's political leaders to apply that determination to other pressing areas.

As my Foreign Minister made clear during his visit to Sarajevo earlier this month, the United Kingdom strongly supports the current efforts by the EU presidency and the United States Government to facilitate a local agreement between leaders on the outstanding issues. We urge the leaders of Bosnia and Herzegovina to seize this window of opportunity to make real progress. A similar opportunity is unlikely to occur for some time.

The United Kingdom strongly supports Bosnia and Herzegovina's European perspective. We are determined to work with Bosnia and Herzegovina wherever possible, so that it can take its rightful place in Europe along with other countries of the region. But ultimately it is only the political leaders in Bosnia and Herzegovina itself who can take the necessary action to advance their progress towards integration within the European Union and NATO, and provide the Bosnian people with the new European future that they deserve.

Finally, I would like to take this opportunity to congratulate Bosnia and Herzegovina on its election to the United Nations Security Council for the next two years. We hope that this will be a unifying challenge for Mr. Špirić's country, and we very much look forward to working with him.

Mr. Apakan (Turkey): Let me begin by welcoming Mr. Špirić, Chairman of the Council of Ministers of Bosnia and Herzegovina. I would also like to sincerely congratulate him on the election of his country as a non-permanent member of the Security Council, an indicator of the trust of the international community in his country. It will be a pleasure for us to serve together on the Council next year. We are also happy to see Mr. Inzko among us once again. I want to thank him for his leadership, as well as for his report (S/2009/588*) and his introductory remarks today.

Turkey considers itself historically a part of the Balkans, and a sovereign, democratic and stable Bosnia and Herzegovina is, therefore, important to us. Developments in this country occupy a distinct place on our foreign policy agenda. We continue to make every effort to keep Bosnia and Herzegovina on the right track, as evidenced by our Foreign Minister's recent visit.

We are glad to see that, since the conflicts of the 1990s, Bosnia and Herzegovina has made great progress. We firmly support the aspirations of the peoples of that country to fully integrate with the Euro-Atlantic institutions, including NATO, through the Membership Action Plan, and hope that those institutions will be forthcoming in embracing Bosnia and Herzegovina. We believe that such integration will eliminate any feelings of exclusion, instil confidence in the peoples of Bosnia and Herzegovina and ensure its future as a strong, stable, secure and whole European country.

Having said that, we cannot help but agree with the analysis presented by Mr. Inzko on the current situation in Bosnia and Herzegovina. The country is at a critical point. While the international community anticipates ever more steadfast and ambitious steps towards the consolidation of an effective, stable and viable State, as foreseen in the Dayton Peace Accords, what is offered is rather, to paraphrase the High Representative, nationalist, anti-Dayton rhetoric and actions that challenge the sovereignty and constitutional order of Bosnia and Herzegovina.

What we want to see is a common vision and joint action, not the pursuit of narrow ethnic interests.

In these circumstances, the international community is also faced with serious challenges. Unless we tackle that situation in a prudent manner, we may be faced with more serious problems in the Balkans.

Turkey is a member of the Steering Board of the Peace Implementation Council (PIC) and feels a special responsibility towards Bosnia and Herzegovina. It has been almost two years since the PIC Steering Board set five objectives and two conditions for the transition from the Office of the High Representative (OHR) to an enhanced European Union (EU) Special Representative mission. While there has been important progress on some issues, there are important outstanding problems. The overall process is quite slow and, in certain instances, there have been steps backwards. This situation is keeping the PIC Steering Board from concluding that its requirements have been fulfilled in a satisfactory manner.

Let me emphasize once again that we do not want the OHR to remain in Bosnia and Herzegovina forever. We want Bosnia to take ownership of its own future and pursue the aspirations of its peoples to become a part of the Euro-Atlantic structures as soon as possible. However, it will not be possible to proceed in the OHR transition before those objectives and conditions have been met in their entirety. Recently, there have been again some steps forward, but we would like to be convinced that those are not tactical but real and concrete, based on sincere and serious political will.

In that context, let me also underline that we are firm in our support for the High Representative. We ask him to continue his efforts. We expect him to make the decisions that he sees fit and to use the powers granted to him as needed to enforce those decisions. We do not agree that the actions of the High Representative and OHR personnel are unlawful. Such challenges are certainly not helpful to the international community's deliberations on the transition of the OHR.

Turkey welcomes and supports the discussion on the constitutional reform process initiated by the EU and the United States. We know that this process is not easy. The reform package has not been embraced by all of the founding leaders. We hope that the political leaders will seriously engage in those efforts, show commitment and flexibility, and eventually agree on a workable package that ensures a functional State structure. It is natural that each of them should have different expectations of that process. The important thing is to be able to reach a compromise that addresses some vital issues and increases the State's capability to govern.

In that regard, we share the opinion of the European Commission, reiterated by the High Representative, that the problem of blockages due to abuse of entity voting rules need to be addressed and that a stricter definition of the vital national clause in the Constitution is necessary. It is true that constitutional reform is not a part of the 5+2 requirements. At the same time, the second condition for the closure of OHR is for the PIC Steering Board to make a positive assessment of the situation in Bosnia and Herzegovina. We believe that success with regard to constitutional reform will help decrease political tensions and lead to a general normalization of the political climate.

Therefore, one cannot deny that any progress in the reform process will have a positive impact on the evaluation of whether the 5+2 requirements have been fulfilled. We are also of the opinion that it would be best to act prudently to consider the implementation of constitutional reform in parallel with the transformation of OHR and to not act in haste so as to prevent possible administrative gaps.

Let me repeat that Turkey fully supports the integration of Bosnia and Herzegovina into relevant Euro-Atlantic structures. We also support and appreciate the efforts of the EU to assist that country in taking its rightful place in the European family of nations and to provide stability through its Police Mission and peacekeeping force in Bosnia and Herzegovina. We believe that the EU-led peacekeeping force is an important part of the EU's comprehensive efforts in Bosnia and Herzegovina, and we encourage the EU to keep a military presence in the country as long as necessary.

Being fully committed to peace and stability in Bosnia Herzegovina, Turkey contributes actively to both EU missions. Turkey also remains ready to assist the peoples of Bosnia and Herzegovina in any way it can in achieving their aspirations.

Ms. DiCarlo (United States of America): I would like to welcome His Excellency Mr. Nikola Špirić, Chairman of the Council of Ministers of Bosnia and Herzegovina, back to the Council and thank him for his comments.

Let me also welcome High Representative Valentin Inzko, thank him for his comprehensive briefing and express our gratitude for his dedication and hard work. The United States fully supports the actions taken by the High Representative to implement the Dayton Peace Agreement.

Bosnia and Herzegovina has made extraordinary progress in the years since the war that tore the country apart in the early 1990s and caused such suffering for all its people. Since the signing of the Peace Agreement 14 years ago, Bosnians have worked hard to rebuild their economy and infrastructure and have begun the long, difficult process of reconciliation.

The country has assumed its obligations as a responsible member of the international community. It has dedicated itself to playing a constructive role in the region and in the world. NATO members have welcomed it into the Partnership for Peace, and Bosnia and Herzegovina has signed a Stabilization and Association Agreement with the European Union (EU). At the United Nations, we are proud to sit on the Human Rights Council with Bosnia and Herzegovina, and we look forward to welcoming it to the Security Council in January.

The United States is committed to helping the Bosnian people achieve their aspirations to become members of the EU and NATO. In that spirit, the United States and the European Union have engaged with party leaders, civil society representatives and Parliamentary committees in Bosnia and Herzegovina in what has become known as the Butmir process, so named since meetings of those groups took place at the military base outside of Sarajevo that has served as the headquarters of international peacekeepers since the days of the Multinational Military Implementation Force.

The Butmir process is an effort to help Bosnian leaders not only resolve the remaining issues in the 5+2 agenda set by the Peace Implementation Council for closure of the Office of the High Representative, but also to reform the Bosnian Constitution within the Dayton framework so that the State can advance towards joining the European Union and NATO.

For all the distance that Bosnia and Herzegovina has come, several aspects of the High Representative's report (S/2009/588*) are indeed troubling.

First, we are greatly concerned that very limited progress has been made towards meeting the outstanding requirements that the Peace Implementation Council set for the transition from the Office of the High Representative to an enhanced European Union Special Representative mission. We are similarly troubled by the lack of progress on the priorities and conditions required for Euro-Atlantic integration.

Secondly, Bosnia and Herzegovina has witnessed a sharp and dangerous increase in nationalist political rhetoric that could stir up anger and resentment and undermine the very State institutions that must be strengthened if the country is to meet the challenges of the twenty-first century. Such divisive and aggressive rhetoric is particularly troubling as the campaign season for the October 2010 presidential and parliamentary elections approaches.

Thirdly, the High Representative has noted that war crimes prosecutions and reform of the judicial sector have suffered due the inability of leaders to reach political decisions that advance national goals. We agree with the highest State-level judicial and prosecutorial officials that the mandates of international judges and prosecutors in the war crimes and organized crime chambers of the State Court and the Prosecutor's Office should be extended past December. Extending the mandates of those international officials is critical to the successful completion of related investigations. The practical, political and budgetary preconditions that would let that vital work continue without international assistance are not yet in place.

Fourthly and finally, we are deeply concerned about the lack of support for the authority of the Office of the High Representative. Let me state once again that the United States continues to fully support the High Representative and his work. We look forward to the day when the Office can make the transition to an enhanced European Union special representative mission. But first, the agreed-upon reform agenda, the five objectives and the two conditions must be completed. A successful transition will require action and support from all Bosnians, including the country's leaders.

As the High Representative points out, Bosnian leaders have taken some positive steps recently, including the adoption of legislation that will help

fulfil the conditions necessary for visa-free travel within the European Union and steps towards resolving issues among the entities that had threatened the State electricity transmission company, Transco.

Finally, let me note the one-year extension of the mandate of the European Union peacekeeping (EUFOR), which the Council adopted last week through resolution 1895 (2009). As High Representative Inzko has pointed out, EUFOR plays a key role in contributing to a safe and secure environment. We believe that EUFOR should remain in its current executive mandate and configuration for the time being.

The United States remains fully committed to supporting peace and stability in Bosnia and Herzegovina and to supporting that country's greater integration into Euro-Atlantic structures. We stand ready to assist the Bosnian people in these efforts.

Mr. Churkin (Russian Federation) (*spoke in Russian*): We welcome the participation in today's Council meeting of Mr. Nikola Špirić, Chairman of the Council of Ministers of Bosnia and Herzegovina. We are grateful to him for his assessment of the current situation in the country. We join in the congratulations to Bosnia and Herzegovina on its election as a non-permanent member of the Security Council for 2010 and 2011.

Our thanks go to Mr. Valentin Inzko, High Representative for Bosnia and Herzegovina, for his briefing today and for his report to the Security Council on developments in Bosnia and Herzegovina (see S/2009/588*). However, we cannot agree with the fundamental tone of the report. The leitmotif of that document is the ongoing tension in Bosnia and Herzegovina and the inability of the Bosnian authorities to independently resolve their country's issues. In our view, this one-sided and unbalanced assessment does not accord with reality and is cause for concern.

The report of the High Representative, with its assertions of allegedly growing friction among Bosnian parties and of increasing potential for conflict, is at odds with the conclusions set out in the reports that the Council regularly receives from European Union forces. For years, they have been saying that the situation in Bosnia is stable and that the prognosis is favourable. This confirms our opinion that the political debate in that country does not exceed the constitutional framework of Bosnia and Herzegovina. Bosnian leaders are not undertaking anti-Dayton actions.

In order to establish a more balanced picture of the processes under way in Bosnia and Herzegovina, we draw the Council's attention to the second report prepared for the Council by the Government of Republika Srpska on the situation in the country, which sets out arguments refuting the emotional conclusions regarding the inability of Bosnia and Herzegovina to function without the Office of the High Representative.

Unfortunately, we must observe that the Office itself has become an institution for destabilization in Bosnia and Herzegovina. The unjustified and hasty use of Bonn powers is inevitably leading to heightened tension in Bosnia and Herzegovina. As members know, Russia has long called for an end to this obsolete mechanism.

Throughout Bosnia and in the entities, democratically elected bodies are functioning. Interference in their work, including micromanagement, does not serve to strengthen the statehood of Bosnia and Herzegovina. To the contrary, it destroys it; it undermines intra-Bosnian dialogue and it devalues the country's democratic institutions. The use of Bonn powers appears even stranger against the background of the election of Bosnia and Herzegovina as a non-permanent member of the Security Council.

The mandate of the High Representative relates solely to the implementation of the Dayton Agreement and to items established by the Steering Board of the Peace Implementation Council. The work of the Office of the High Representative should focus on prompt implementation of outstanding issues from the five objectives and two conditions approved by the Steering Board — the 5+2 formula. We believe that agreement on parameters for settling problems of State property and military property is entirely possible, even before the end of this year. That would open the door to setting specific deadlines for the conversion of the Office of the High Representative to a European Union special representative mission.

With a view to entering a qualitatively new phase in the Bosnian settlement process, we agree with Steering Board partners that a European perspective for Bosnia and Herzegovina is of key significance. That is another reason why it is essential to close the Office of the High Representative. According to Brussels, its

presence makes it impossible to consider the question of European Union candidate status for Bosnia. Linking this theme with constitutional reform in Bosnia and Herzegovina, which as members know is the essence of the Butmir initiative, will only lead the Bosnia settlement process into an impasse. Sharp disagreements and the reaction of the Bosnian parties to the Butmir ideas show that a precondition for constitutional change is the creation of conditions for constructive dialogue in Bosnia and Herzegovina itself. A review of Dayton will be possible only on the basis of consensus between both entities and all three constituent peoples; this must be achieved voluntarily, without arm-twisting or the imposition from outside of ready-made models. In that regard, we view attempts to frame the movement of Bosnia and Herzegovina into the European Union in terms of the Bosnian's adoption of the so-called Butmir package as unacceptable.

Mr. Kafando (Burkina Faso) (*spoke in French*): I thank Mr. Valentin Inzko, High Representative for Bosnia and Herzegovina and European Union Special Representative, for his comprehensive briefing. We are grateful also to His Excellency Mr. Nikola Špirić, Chairman of the Council of Ministers of Bosnia and Herzegovina, for his statement. Once again, we congratulate Bosnia and Herzegovina on its election as a member of the Security Council and wish them every success during their term.

What we have just heard describes an overall situation that remains fragile and bleak and that appears to be close to an impasse. The Republika Srpska's constant challenges to the sovereignty, territorial integrity and constitutional order of Bosnia and Herzegovina pose a serious obstacle to vital reform and, in general, to efforts towards peace in the spirit of Dayton. We are deeply concerned about the resurgence of nationalism, which inflames passions and weakens the Federal Government, which is already beset by financial difficulties. We are equally concerned by threats against the High Representative, which must be taken seriously.

We hope that the political negotiations in the framework of the Butmir process initiated by the European Union and the United States will restore dialogue and ensure progress. We also welcome the Security Council's adoption on 18 November of resolution 1895 (2009), which extends the mandate of the European Union military mission in Bosnia and Herzegovina (EUFOR). That European force undeniably remains the key support for stability and security in Bosnia and Herzegovina. We urge the political actors in Bosnia and Herzegovina, in particular the leaders of Republika Srpska, to keep dialogue alive in order to safeguard the territorial integrity of their country and make democratic progress for the benefit of their citizens. In that regard, Bosnia and Herzegovina should do all it can to make its Euro-Atlantic integration a reality.

In a different vein, my delegation notes with regret that the country's National War Crimes Prosecution Strategy, which we welcomed last May, and the National Justice Sector Reform Strategy have not yielded the hoped-for results, principally because they have been blocked by Republika Srpska, in particular with respect to the extension of the mandates of international judges and prosecutors.

The economic situation in the country is very worrying, and the outlook is grim due to the effects of the global economic and financial crisis. In addition, the energy problem, which is now acute and a decisive factor of Bosnia and Herzegovina's economic health, must urgently be resolved.

With regard to ongoing reforms, in particular those related to the economy, public administration and defence, we call on the Government of Bosnia and Herzegovina to accelerate the implementation of strategies, plans of actions and programmes in order to rapidly meet the conditions for the transition from the Office of the High Representative to a European Union Special Representative mission. Similarly, efforts must be made to ensure progress in the areas of human rights, principally with respect to the protection of minorities and refugees, and freedom of press.

The regional environment is also a determining factor in the political, social and economic transformation of Bosnia and Herzegovina. That is why we welcome the improvement of the country's relations with its neighbours.

In conclusion, we encourage the political actors in Bosnia and Herzegovina to move forward and to demonstrate firm resolve to break the gridlock in their country in order to build a strong and stable State, of course within the framework of its integration into Europe.

Mr. Liu Zhenmin (China) (*spoke in Chinese*): The Chinese delegation welcomes the convening of

today's meeting. I thank High Representative Valentin Inzko for his briefing. We commend him for his efforts in promoting the political process in Bosnia and Herzegovina. I also welcome the participation in today's meeting of Mr. Nikola Špirić, Chairman of the Council of Ministers of Bosnia and Herzegovina, and thank him for his statement.

Over the past year, the political situation in Bosnia and Herzegovina has been generally stable. Some reform initiatives in the areas of the Constitution, the rule of law, the economy and national defence have made some progress. Meanwhile, we are also aware of the worrisome picture described by the High Representative in his report (S/2009/588*). There has been almost no major progress in the implementation of the reform agenda. The Republika Srpska often challenges the State institutions, authority and laws of Bosnia and Herzegovina and questions the authority of the High Representative and the Steering Board of the Peace Implementation Council.

The Federation of Bosnia and Herzegovina faces many difficulties, including demonstrations by veterans and victims of the fighting in Sarajevo. We express our concern in this regard and hope that the European Union and the United States will strengthen their good offices and promote high-level political dialogue to achieve real results as soon as possible.

China respects the sovereignty and territorial integrity of Bosnia and Herzegovina. We earnestly hope that all the country's political leaders will effectively implement the Dayton Peace Agreement, actively engage in dialogue, enhance political and mutual trust, push for Government institution-building, constitutional reform and the rule of law, and make greater progress in these areas so as to preserve lasting peace, security and stability in Bosnia and Herzegovina and the Balkan region.

We also hope that the Government of Bosnia and Herzegovina, the International Monetary Fund and other parties will pay greater attention to the negative impact of the global economic crisis on economic, development and political reform in Bosnia and Herzegovina, and take corresponding active measures.

China welcomes the prospect of the gradual integration of Bosnia and Herzegovina into the European Union. We are happy to see Bosnian reform proceed in accordance with the European Commission's road map on visa liberalization or elimination. We believe that, in accordance with the mandate of the Dayton Peace Agreement, the High Representative should continue to take positive measures to promote the accession of Bosnia and Herzegovina into the European Union.

The European Union military mission in Bosnia and Herzegovina, in close cooperation with the Armed Forces of Bosnia and Herzegovina, is an important force in guaranteeing local security. We welcome the European Union's ongoing positive role in maintaining peace and stability and promoting economic and social development in Bosnia and Herzegovina.

China will continue to support the High Representative in fulfilling his duties and responsibilities. Together with the international community, we are ready, to the extent possible, to offer Bosnia and Herzegovina our help in achieving lasting peace, stability and development.

Mr. Puente (Mexico) (*spoke in Spanish*): The delegation of Mexico welcomes Mr. Valentin Inzko and thanks him for introducing his report (S/2009/588*).

My delegation also welcomes the participation of Mr. Nikola Špirić in this meeting. We welcome him and congratulate him on the election of his country as a non-permanent member of the Security Council starting 2010. We believe that the election of his country to the Security Council is a demonstration of the confidence vested by the international community in the future of Bosnia and Herzegovina and in the role that it can play to foster regional stability.

Mexico believes that if lasting peace and stability are to prevail in Bosnia and Herzegovina, the various political forces of the country must give new impetus to their dialogue and mutual understanding and demonstrate the political will to achieve true progress in the remaining aspects of the peace process.

In that regard, we note with concern that the report of the High Representative continues to portray a polarized political environment in Bosnia and Herzegovina that has hampered the work of State institutions, reduced the leeway to achieve the necessary implementation of the Peace Agreement. We again call on all actors in Bosnia and Herzegovina to redouble their efforts to meet the outstanding commitments and to keep channels open for dialogue and negotiations in order to resolve their differences

and avoid actions that could jeopardize the stability of the country.

We therefore welcome the joint initiative of the European Union and United States Government to promote domestic political dialogue in order to facilitate and accelerate institutional reform. We trust that such initiatives will contribute to the establishment of the conditions necessary to progress in reaching agreements on pending issues.

My delegation emphasizes the importance of the international community's ongoing support for the endeavours of the Government of Bosnia and Herzegovina to strengthen the rule of law. The United Nations, like other organizations on the ground, must continue to play a key role through its firm support in such areas as the training of police officers, lawyers and judges, and capacity-building to resolve civil law disputes, including those on property rights. My delegation also encourages the State authorities to step up their action to implement the National War Crimes Prosecution Strategy and the National Justice Sector Reform Strategy.

We trust that the endeavours to establish a central database on war crimes cases and greater regional cooperation between Bosnia and Herzegovina and neighbouring countries to determine jurisdictional responsibilities will contribute to progress in these Strategies, as will greater cooperation with the International Tribunal for the Former Yugoslavia. These actions are critical if the region is to turn the final page on conflict and regional division.

One of the outstanding issues of the Dayton Peace Agreement, which we believe requires priority attention, pertains to the situation of about 120,000 internally displaced persons who still cannot return to their homes due to unfavourable conditions on the ground. It is therefore important to achieve the necessary political consensus to comply with the provisions of annex 7 of the Peace Agreement, which refers to the establishment of a strategy for the return of displaced persons and refugees, supporting the rebuilding of houses, the return of property and the provision of necessary services.

Reintegration is a vital step towards national reconciliation. The needs of displaced persons must be explicitly addressed within a legal framework providing guarantees for the safe return of refugees. There is no denying that a favourable economic and political context would contribute to meeting the short-term humanitarian needs of these vulnerable groups of people and to ensuring their safe return under optimal conditions in the medium and long term. This would contribute to ensuring genuine national reconciliation and integration and lasting peace.

To conclude, I would like to reiterate my country's support for the work of the High Representative and our hope that Bosnia and Herzegovina will overcome its differences and consolidate a democratic and multiethnic State where its citizens, like those of the entire Balkan region, will be able to enjoy a more stable and more prosperous future as an essential part of integrated European institutions and organizations.

Mr. Mugoya (Uganda): We thank Mr. Valentin Inzko, High Representative for Bosnia and Herzegovina, for his comprehensive briefing. We also welcome His Excellency Mr. Nikola Špirić, Chairman of the Council of Ministers of Bosnia and Herzegovina, and thank him for his statement.

Uganda commends the High Representative for his efforts in promoting the political processes, in particular facilitating the implementation of the Dayton Agreement. We are concerned about the negative developments arising from the ongoing attacks against State institutions, mainly by the Government of Republika Srpska, and the continued challenges to the authority of the High Representative and the Steering Board of the Peace Implementation Council. The impact of this has limited political progress, which could lead to further tension in the country. We therefore call on the authorities of Republika Srpska to refrain from divisive rhetoric and actions that challenge the sovereignty and constitutional order of Bosnia and Herzegovina.

We welcome the joint European Union-United States efforts aimed at initiating high-level political dialogue with the key leaders among the parties to sustain unity, facilitate reforms and break the political stalemate. We call on all parties to offer cooperation with this process in order to move the country forward. Furthermore, we urge all parties, including the neighbours of Bosnia and Herzegovina, to uphold their commitments to the sovereignty and territorial integrity of Bosnia and Herzegovina in the spirit of good-neighbourliness and peaceful coexistence.

We commend the European Union stabilization mission in Bosnia and Herzegovina (EUFOR), in collaboration with the armed forces of Bosnia and Herzegovina, for contributing to a safe and secure environment, which has enabled the Office of the High Representative and other international organizations to fulfil their respective mandates. It is in recognition of this important work that, this past week, Uganda supported the extension of the mandate of the EUFOR configuration (see resolution 1895 (2009)).

We welcome the progress that has been achieved in the area of the entrenchment of the rule of law and acknowledge the efforts by the European Union Police Mission in collaboration with the Office of the High Representative in supporting police reform and the fight against organized crime.

We are nevertheless concerned that the progress made could be jeopardized by the stagnation in the implementation of both the National War Crimes Prosecution Strategy and the National Justice Sector Reform Strategy. It is therefore important that the mandates of the international judges working in the Prosecutor's Office be extended, as recommended by the High Representative, in order to ensure justice sector reforms as soon as possible.

It is evident from the report (see S/2009/588*) that Bosnia and Herzegovina, like many other countries around the world, has not been immune to the global economic crisis. We are concerned about the substantial impact the crisis has had on foreign direct investment in the country. Furthermore, the funding deficit created could also impede the Government's capacity to make crucial investments for sustainable growth and to cover its other obligations.

The Government will require the support of international partners to focus on addressing these challenges, because they could potentially have a negative impact on the stability of the country. Given the important economic links that Bosnia and Herzegovina has with the countries in the region, we believe that strengthening economic cooperation with those countries will further enhance the Government's efforts to cope with the challenges arising from the global economic crisis.

We are also concerned about the situation of refugees and displaced persons. We call on the authorities to address their plight with a view to ensuring their quick return and resettlement.

Finally, we too congratulate Bosnia and Herzegovina upon its election as a non-permanent member of the Security Council for the period 2010-2011, and wish it success during its mandate.

Mr. Bui The Giang (Viet Nam): Let me join other members of the Council in welcoming His Excellency Mr. Nikola Špirić, Chairman of the Council of Ministers of Bosnia and Herzegovina, to the Security Council today and in thanking him for his statement. I especially congratulate him on the election of Bosnia and Herzegovina as a non-permanent member of the Security Council for the term 2010-2011. I also thank Mr. Valentin Inzko, High Representative for Bosnia and Herzegovina, for the thirty-sixth report on implementation of the Dayton Peace Agreement (see S/2009/588*) and for his comprehensive update.

As noted in previous meetings of the Council on Bosnia and Herzegovina, advancing the cause of building a secure, democratic and stable multi-ethnic State has always been among the most important objectives for the political leaders and the people of Bosnia and Herzegovina.

However, my delegation notes with concern the division among political leaders that is challenging the Dayton Peace Agreement and, by implication, the sovereignty and constitutional order of Bosnia and Herzegovina. We are also disturbed by the limited consensus on the main reform priorities, which is detrimental to the implementation of previously agreed reforms. The lack of substantive political dialogue is yet another source of concern.

In this context, we are heartened by the relatively stable relations between Bosnia and Herzegovina and its immediate neighbours. At this critical juncture, the political leaders of Bosnia and Herzegovina need to work together towards a shared vision on the direction of the country, so as to speed up the smooth operation of institutions and create more functional and efficient state structures.

We continue to strongly support the full implementation of the Dayton Peace Agreement, including the revised strategy for the implementation of annex 7 of the Agreement, as it provides a firm basis for resolving the problematic displacement of some 120,000 persons. We call upon the political leaders of Bosnia and Herzegovina to make every effort to promote the sustainable return of refugees and

internally displaced persons and guarantee their rights to employment, health care, education and pensions. Much more also needs to be done in the areas of border and migration management, as well as the fight against corruption and organized crime.

Finally, we support the High Representative for Bosnia and Herzegovina in his efforts to facilitate progress towards the full implementation of the Dayton Peace Agreement. At the same time, we wish to emphasize the need to ensure enhanced ownership and responsibility by Bosnia and Herzegovina in the political process of the country. We call upon the international community to continue to play an important role in promoting peaceful resolution of the conflict and in facilitating Bosnia and Herzegovina's transition to a stable, reform-oriented, modern and democratic country.

Mr. Urbina (Costa Rica) (*spoke in Spanish*): At the outset I wish to warmly welcome Mr. Špirić, Chairman of the Council of Ministers of Bosnia and Herzegovina, and Mr. Inzko, High Representative for Bosnia and Herzegovina. I take the opportunity to reiterate our support to the High Representative and to his Office.

During the 14 years that have passed since the signing of the Dayton Peace Agreement, Bosnia and Herzegovina has stayed far away from war, but has not managed to establish peace firmly. The report of the High Representative (S/2009/588*) and the statement of the Chairman of the Council of Ministers clearly point out the challenges to be faced in consolidating the progress achieved and in implementing a clear agenda that would herald a promising future for the people of Bosnia and Herzegovina.

The continued lack of trust among political leaders and the resulting negative climate has had undeniable adverse consequences on the functioning of institutions, on reconciliation among peoples and consequently on the country's development prospects. The impasse in the country is essentially due to the persistent, divisive rhetoric employed and the continued challenges to the authority of the State and the High Representative.

The international community expects a change of attitude on the part of the political leaders of Bosnia and Herzegovina that is favourable to the establishment of a multi-ethnic and multinational State and that would foster democratic interaction among all of the political parties. Undeniably, the agenda for membership in the European Union is an important incentive and provides a framework for action to overcome the major challenges.

The inhabitants of Bosnia and Herzegovina want a European future, and that future will only be possible if their political leaders shoulder their responsibilities in this historic process. Here, Costa Rica welcomes the Butmir process as a positive step whose success depends solely on the commitment of the stakeholders. The leaders of Bosnia and Herzegovina must show maturity and political will in order to progress towards achieving unity and the development of the country and to make progress on the agenda for membership in the European Union.

In conclusion, I wish to refer specifically to two aspects that appear vital in the effort to build peace in Bosnia and Herzegovina. Six months ago we welcomed the adoption of the National War Crimes Prosecution Strategy and the National Justice Sector Reform Strategy. However, today we have become aware that there has been scant progress on those strategies to date. My country believes that entrenching the rule of law and combating impunity are fundamental for coexistence to prosper, and we thus call for redoubled efforts to ensure the full implementation of both strategies.

Lastly, we are concerned that the issue of the return of refugees and internally displaced persons continues to be politicized. We trust that the Ministry for Human Rights and Refugees will soon submit a revised strategy for the implementation of Annex VII of the Peace Agreement and that it will be rapidly adopted by the Bosnia and Herzegovina House of Peoples in order to ensure the safe and lasting return of the thousands of people who have not yet seen an end to this sad chapter in their lives.

Mr. Vilović (Croatia): At the outset, allow me to welcome His Excellency Mr. Nikola Špirić, Chairman of the Council of Ministers of Bosnia and Herzegovina. Allow me at the same moment to congratulate Bosnia and Herzegovina for its election as a new member of the Security Council. We also welcome His Excellency Mr. Valentin Inzko, High Representative for Bosnia and Herzegovina and Special Representative of the European Union, and thank him for his briefing today — the second in his new role. I wish to assure him of Croatia's full support in the conduct of his

duties and wish him every success in fulfilling his mandate. Croatia also aligns itself with the statement to be delivered by Sweden on behalf of the European Union.

Here I wish to make some additional comments. Croatia strongly supports the clear and unambiguous European and Euro-Atlantic perspective on Bosnia and Herzegovina. That was recently stressed during the two visits at the highest political level from Croatia. We believe that the futures of all of the countries of South-East Europe belong in the European Union, as it provides the most suitable framework for their overall development. We also support the official application by Bosnia and Herzegovina to NATO for a Membership Action Plan. Last year, important progress enabled Bosnia and Herzegovina to sign the Stabilization and Association Agreement with the European Union. However, we note with regret that the report before us (S/2009/588*) states that Bosnia and Herzegovina has made little progress towards implementing internal reforms — and has even regressed somewhat — as well as towards satisfying the priorities and conditions required for progress on the Euro-Atlantic agenda.

We are concerned by the ongoing attacks against State institutions, competencies and laws perpetrated mainly by the leadership of the Republika Srpska, as well as the continuing challenges to the authority of the High Representative and the Peace Implementation Council. In particular, we are concerned with the assessment of the High Representative on the current situation in the country during the reporting period that

> "anti-Dayton rhetoric challenging the sovereignty and constitutional order of Bosnia and Herzegovina also played a role" (*S/2009/588*, p. 3*).

We agree with the assessment that not all outstanding requirements have been met so far for the transition from the Office of the High Representative to the European Union Special Representative to take place. We support the work of the High Representative and share his assessments.

On the other hand, we believe that Bosnia and Herzegovina should continue — even accelerate — reforms and the adoption of visa liberalization-related laws in order to be admitted to the "White Schengen" list as soon as possible, so that its citizens do not lag too far behind their neighbours.

It has been our long-standing position that the impasse in Bosnia and Herzegovina can be overcome only through comprehensive and inclusive dialogue that includes the peoples of all three constituencies throughout the entire territory of the country. This is closely linked with the reforms needed to bring Bosnia and Herzegovina closer to the path of integration with the European Union and will also facilitate fulfilment of the country's other international obligations.

It is particularly important that the current dialogue on constitutional reform intensify, with the committed engagement of the international community and with the support assured by the High Representative.

Bosnia and Herzegovina is facing considerable problems, some of which are challenging the very foundations established by the Dayton Peace Agreement. However, it should be stressed that any constructive engagement that supports the territorial integrity of Bosnia and Herzegovina and any intention to improve the current situation and remedy the fundamental problems should be welcomed and encouraged. In that respect, let me welcome last week's decision on the prolongation of the mandate of the European Union Force in Bosnia and Herzegovina.

On this point, we wish to reiterate that the country's stability depends on respect for the constitutional principle of the collective equality of all three constituent peoples: Bosniacs, Bosnian Serbs and Bosnian Croats. We have stated on several occasions that there can be no Bosnia and Herzegovina without Croats in Bosnia and Herzegovina. Their political and cultural survival is vital to the continued existence of Bosnia and Herzegovina, as these two elements are closely intertwined.

One needs to keep in mind the particular situation of Croats in Bosnia and Herzegovina as the smallest and most vulnerable of the country's three nations. Their voice must be considered on the basis of equality, both ethnic and civic, as guaranteed in the Constitution and as arising from the history of the country. All three peoples must feel that Bosnia and Herzegovina is their country and that they are safe and protected over its entire territory. Their fundamental rights and freedoms, as well as their civic and ethnic rights, should be protected throughout, as should be the right to return to their pre-war homes and to be safe and protected.

Another important factor in the normalization of the situation in Bosnia and Herzegovina is the fight against impunity for war crimes. We wish to stress that all fugitives from the International Tribunal for the Former Yugoslavia who are still at large must be arrested and transferred to The Hague as soon as possible.

Finally, let me conclude by saying that Croatia, together with the rest of the international community, is offering the peoples of Bosnia and Herzegovina a clear and unambiguous European and Euro-Atlantic perspective. In that regard, we urge all three peoples to invest their greatest efforts in the Butmir process, which represents the biggest opportunity to date to make real progress in Bosnia and Herzegovina.

As a country that joined NATO recently and is undergoing a very demanding but rewarding process of negotiations with the European Union, Croatia can testify that strong central institutions are fundamental to the process of Euro-Atlantic integration. As a neighbouring State, we are very interested in seeing Bosnia and Herzegovina embark on that process as soon as possible. We regard it as the best guarantee of sustainable peace, security and prosperity for the country, the region and all Europe.

Mr. Dabbashi (Libyan Arab Jamahiriya) (*spoke in Arabic*): I welcome Mr. Nikola Špirić, Chairman of the Council of Ministers of Bosnia and Herzegovina, and thank him for his statement. I also wish to commend Mr. Valentin Inzko, High Representative of the Secretary-General for Bosnia and Herzegovina, for his comprehensive briefing.

Looking back at the early 1990s, we feel great satisfaction at seeing the country, which was then the scene of the most brutal crimes against humanity and of pain and suffering, has overcome its tragedy and begun to regain its strength, re-establish links among its peoples on a civilized basis, guarantee the rights of all, and pave the way towards overall security, stability and prosperity for all its citizens. We note that important achievements have been made towards the establishment of a Bosnia and Herzegovina united with its three peoples on the basis of the Dayton Peace Agreement, despite the differences among the parties, which are fuelled by the painful memories of the past and a lack of trust among the various parties. I wish to commend the efforts of the High Representative to persuade the parties to pursue the implementation of the Dayton Peace Agreement and to respect their attendant obligations.

Despite the positive developments of recent years, the country continues to move very slowly in implementing the constitutional reform process and in establishing conditions conducive to the transition of the Office of the High Representative to the European Union Special Representative mission. The slow pace can be ascribed to the lack of trust and constructive dialogue among the leaders of the parties, as well as to one party's challenges to and defiance of State authority, its failure to meet some of its obligations, and its attempts to reduce the powers and authority of the State and the federal Government. All these obstacles have hindered the implementation of the National Justice Sector Reform Strategy, the appointment of some judges to the Federation Constitutional Court, and the achievement of consensus on the distribution of tax revenues and of an acceptable and lasting solution to the problem of State property and other problems requiring the willingness of all parties to fulfil their obligations in good faith.

Among the problems of concern to us is the fact that 120,000 Bosnians are still registered as internally displaced and unable to return to their villages. We deeply regret the fact that the politicization of the issue of internally displaced persons and refugees has obstructed their return and prolonged their suffering. We believe that this issue must be prioritized and that all the State's energies and power should be dedicated to its solution, which would contribute strongly to stabilizing the State as a whole. We also feel that the tracking and prosecution of those guilty of crimes against humanity and war crimes could help to ease the suffering and erase the memories of the past, and contribute to the search for a better future for all the peoples of the country.

Peace and security will not be achieved if each party clings stubbornly to its own positions; they can be achieved only through consensus, mutual understanding, a sense of realism, and the fulfilment by each and every party of its obligations and commitments. We therefore urge all actors and parties to shoulder their obligations, act responsibly, engage in constructive dialogue, respect State institutions, cooperate fully with the High Representative and abide strictly by their commitments under the Dayton Peace Agreement and its annexes, the Paris accords and the relevant resolutions of the Security Council. That is the

best way to ensure the stability and multi-ethnic and multicultural nature of a Bosnia and Herzegovina working towards sustainable development, prosperity for all its people and the enhanced stability of the Balkan region as a whole.

Mr. Takasu (Japan): At the outset, I too should like to join my colleagues in extending a warm welcome to the Chairman of the Council of Ministers of Bosnia and Herzegovina, His Excellency Mr. Nikola Špirić. I also take this opportunity to congratulate the Government of Bosnia and Herzegovina on its election to membership of the Security Council next year. We wish it every success in its contributions to the work of the Council.

I should like also to thank the High Representative, Mr. Valentin Inzko, for his comprehensive briefing, and I commend his dedicated efforts since assuming that important responsibility in March.

Japan extends its full support to the policy of Bosnia and Herzegovina towards Euro-Atlantic integration. As a major contributor to the Peace Implementation Council, we hope it can achieve the five objectives and two conditions soon, so that the transition from the Office of the High Representative to the European Union Special Representative will be realized at the earliest possible date. We also hope that Bosnia and Herzegovina will be able to advance on its way forward to accession to the European Union by accelerating constitutional reform. We welcome high-level political discussions through the Butmir process initiated in October by the United States and the European Union. It is a fresh attempt to enable the people of Bosnia and Herzegovina to approach their major goals. I would like to confirm Japan's support for the process.

At the same time we are concerned about the attacks against State institutions and the challenges to the authority of the High Representative. Those moves go against constitutional order and the implementation of the five objectives and two conditions — the 5+2 process. We urge all political leaders to refrain from increasing nationalistic rhetoric challenging the constitutional order. They should heed the voice of the international community and cooperate with one another to tackle the remaining challenges of 5+2 and constitutional reform. To that end, it is essential for the international community to continue to pay close attention to political developments in the country. The future of Bosnia and Herzegovina rests with the determination of its people themselves.

The consolidation of peace in Bosnia and Herzegovina is a cornerstone of peace and prosperity in the entire Western Balkan region. Based on this belief, Japan has been actively contributing to the development of Bosnia and Herzegovina through its official development assistance programme, amounting to $450 million in three major areas, peacebuilding, economic development and intraregional cooperation. We have supported projects of community reconciliation through poverty reduction, through the United Nations Trust Fund for Human Security, and in October Japan committed to a grass-roots grant aid project for support of demining in Gracanica and extended loans amounting to ¥126 million for assistance in the environmental area.

The political situation in Bosnia and Herzegovina still remains delicate. We believe that the role played by the High Representative continues to be of vital importance. We reiterate our full support for High Representative Inzko. We also recognize the key role played by the European Union military mission in Bosnia and Herzegovina for a safe and secure environment.

I would like to conclude by expressing Japan's strong hope that the people of Bosnia and Herzegovina will work together through internal dialogue to stabilize the situation and achieve early integration into the Euro-Atlantic community.

The President: I shall now make a statement in my national capacity.

First of all let me extend a warm welcome to High Representative Valentin Inzko. We would like to thank him for the report before the Council today (see S/2009/588*). Let me take this opportunity to reaffirm our full and continued support for him and his Office as well as for the efforts that he undertakes in upholding the Dayton process and facilitating reform.

In addition I should like to warmly welcome the presence of Prime Minister Nikola Špirić, Chairman of the Council of Ministers of Bosnia and Herzegovina. We should also like to congratulate Bosnia and Herzegovina on its election to the Security Council, and we look forward to working with it, as its immediate neighbour at the Council table. We also

hope that this important challenge and responsibility will provide an element of cohesion within Bosnia and Herzegovina.

We should also like to align ourselves with the statement to be delivered by the representative of Sweden on behalf of the European Union, but I should like to make the following additional points.

We are encouraged by the recent progress on visa liberalization, and we hope that the implementation of the road map will soon be completed. Bosnia and Herzegovina must not fall behind its neighbours on the path towards Euro-Atlantic integration. Membership in the European Union (EU) offers by far the best medium-term and long-term chance for a solution to most of the current problems in the region.

We share the concerns of the High Representative about the prevailing political climate, which continues to prevent the country from completing outstanding reforms. Closure of the Office of the High Representative and the transition to a reinforced EU Special Representative remain crucial for Bosnia's further advancement. We appeal to all political leaders, with the assistance provided through the EU-United States initiative, to speed up key reforms related to the Euro-Atlantic perspective, constitutional functionality and the conditions that have been set for the closure of the Office of the High Representative.

It is time to correct the current course. The path Bosnia and Herzegovina chooses today will be decisive for the future prosperity and well-being of the country and its people.

Austria fully supports the ongoing efforts to establish and consolidate the rule of law in South-Eastern Europe and welcomes progress achieved in that regard by the Government of Bosnia and Herzegovina. Judicial and police reform present a very important — but by no means the only — challenge in this area.

In this context, I should like to draw the attention of the Council to the work done by the Regional Women's Lobby for Peace, Security and Justice in Southeast Europe. This body unites women politicians and activists from all countries of the region. It is an important grass-roots initiative, which Austria and the European Union support, in the implementation of resolutions 1325 (2000) and 1820 (2008). Former Austrian Foreign Minister Ursula Plassnik is actively involved in this work. A policy paper recently published by this pressure group makes the very valid point that respect for the rule of law is critical not only in the judiciary but in all aspects of State administration, especially in those areas with which citizens interact on a daily basis, such as the education and health sectors, where corruption regrettably remains a fact of daily life. The policy paper — which we shall be happy to share with members of the Council and other interested Member States — also stresses the need for increased rule of law activities related to gender-based violence.

We agree with the assessment of the High Representative that the European Union military operation in Bosnia and Herzegovina (EUFOR) still plays a key role in contributing to a safe and secure environment that helps the Office of the High Representative and other international actors to implement their mandates. This is also reflected in the recent extension of the EUFOR mandate by the Security Council, through resolution 1895 (2009). Austria will continue its commitment as a troop contributor to the operation. An Austrian officer, Major General Bernhard Bair, has recently assumed the responsibility of Force Commander.

Finally, let me reiterate that we are convinced that the stability and prosperity of Bosnia and Herzegovina is key for the realization of a broad zone of stability in the Balkans. I should like to assure our friends in Bosnia and Herzegovina that Austria is and will remain a reliable partner of Bosnia and Herzegovina on its path towards lasting stability and European integration. Its future, like that of the entire region, lies in the European Union. It is my firm conviction that the major challenge facing the political leadership of Bosnia and Herzegovina today is to make that future possible.

I now resume my functions as President of the Security Council.

I give the floor to the representative of Sweden.

Mr. Lidén (Sweden): I have the honour to speak on behalf of the European Union (EU). Croatia, the former Yugoslav Republic of Macedonia, Albania, Montenegro, Armenia, Iceland, the Republic of Moldova and Ukraine align themselves with this statement.

This is a critical time for Bosnia and Herzegovina. Political divisions are blocking necessary

reforms. The economic challenges are significant, and ordinary people are struggling to make ends meet. While the rest of the region is moving forward towards European integration, Bosnia and Herzegovina is at risk of falling behind. The European Union shares the High Representative's concern about the nationalist agendas that continue to dominate Bosnia and Herzegovina's politics and hamper efforts of progress and reconciliation. The immediate challenge is not the security situation, although that continues to require international engagement, but changing the negative political dynamic.

The European Union supports the continued efforts of the High Representative to ensure compliance with the Dayton-Paris accords and encourages Bosnia and Herzegovina to move ahead with crucial reforms in a difficult political climate. The European Union-led peacekeeping force (EUFOR ALTHEA) remains an important part of the EU's efforts to support a political process aimed at enabling Bosnia and Herzegovina to make progress in the EU integration process. We welcome the Security Council's adoption of resolution 1895 (2009), extending the Chapter VII mandate of EUFOR for another 12 months.

EUFOR ALTHEA continues to provide reassurance and remains ready to respond to possible security challenges throughout the country. A decision on the possible evolution of Operation ALTHEA will need to take political developments into account. The European Union also remains engaged through the European Union Police Mission, which is helping Bosnia and Herzegovina to focus on the fight against organized crime and corruption.

The European Union is deeply concerned about the ongoing challenges to the stability and constitutional order of Bosnia and Herzegovina. Other parts of Europe are taking steps to enhance cooperation and integration. The Lisbon Treaty, which enters into force on 1 December, will bring the European Union and its members even closer. The path chosen by Bosnia and Herzegovina's leaders in the coming period will be of great importance for the European future of their country and its people.

In October, the European Union, together with the United States, proposed a way forward. The proposal includes two main elements needed in order to advance Bosnia and Herzegovina's prospects for European integration. First, the proposal seeks to achieve progress to meet the five objectives and two conditions set by the Peace Implementation Council for the closure of the Office of the High Representative. It sets out a model for the local political leadership to reach a necessary compromise on the issues of State and defence property, which is necessary for achieving a transition from the Office of the High Representative to the reinforced presence of the European Union. The EU would not be able to consider an application for membership by Bosnia and Herzegovina as long as the Office of the High Representative is in place.

Secondly, the proposal indicates a necessary set of modest constitutional changes to allow Bosnia and Herzegovina to meet the obligations of the European Union integration process. It focuses on efforts to increase the functionality of the State, without changing its basic features. It also seeks to ensure compatibility with the European Convention on Human Rights. This proposal represents our best advice, but the responsibility for reaching the necessary compromises and taking them forward rests with the local political leaders.

The Peace Implementation Council's meeting in Sarajevo on 18 and 19 November was an important occasion to take stock of developments. The European Union shares the Peace Implementation Council's concern over the insufficient progress that Bosnia and Herzegovina's authorities have made in preparing the ground for the closure of the Office of the High Representative. The Peace Implementation Council communiqué also welcomed the current engagement of Bosnia and Herzegovina's leaders in discussions on constitutional change and encouraged them to remain seriously engaged and to reach lasting agreements. We echo those sentiments.

The political process is in a decisive phase. We urge the parties to reach the necessary compromises in the coming period. Momentum needs to be built before the spring, when Bosnia and Herzegovina will enter a period dominated by the election campaign, which may be less conducive to reform and compromise.

The recent progress made by Bosnia and Herzegovina in meeting the benchmarks of the European visa liberalization road map is a source of optimism and an example that Bosnia and Herzegovina can implement difficult and demanding reforms once there is sufficient political will. This is encouraging

The European Union has provided Bosnia and Herzegovina with significant development and humanitarian assistance over the years. We hope that our future assistance will focus exclusively on facilitating EU integration, not least through the reinforced EU delegation tasked to advise Bosnia and Herzegovina's authorities on all aspects of the European Union accession process. To be in a position to accede to the EU, Bosnia and Herzegovina has to take all necessary measures to reach full sovereignty. It is for the leaders of Bosnia and Herzegovina — and ultimately for its people — to decide what kind of future they want.

The President: I call on the representative of Serbia.

Mr. Starčević (Serbia): At the outset, I should like to welcome His Excellency Mr. Nikola Špirić, Chairman of the Council of Ministers of Bosnia and Herzegovina, and Mr. Valentin Inzko, High Representative for Bosnia and Herzegovina.

As a neighbouring country that desires sincere, good-neighbourly and friendly relations with Bosnia and Herzegovina, Serbia is following the development of the overall situation in Bosnia and Herzegovina with due attention. As a signatory and a guarantor of the Peace Agreement for Bosnia and Herzegovina, and in accordance with Security Council resolution 1031 (1995) on its implementation, Serbia is firmly committed to respecting the territorial integrity and sovereignty of Bosnia and Herzegovina as a matter of principle. Also, Serbia supported the candidacy of Bosnia and Herzegovina as a non-permanent member of the Security Council, and I wish once again to congratulate it on its election.

The position of my country incorporates concrete support of Bosnia and Herzegovina in the process of European integration and we regard membership in the European Union for all the countries of the South-East European region as a common goal. Serbia is of the view that regional economic cooperation — both bilateral and intraregional, through the Central European Free Trade Agreement — gives a particular impulse towards the permanent stabilization of the situation in Bosnia and Herzegovina, as well as of the region as a whole.

My country supports the processes of internal political reforms aimed at advancing the institutional capacities of Bosnia and Herzegovina, and welcomes all political initiatives to intensify these reforms. We take note of the fact that the representatives of all political parties from both entities and all three constitutive peoples expressed certain reservations with regard to the solutions recently proposed by the representatives of the European Union and the United States within the so-called Butmir process.

The Republic of Serbia will honour every agreement that is accepted by the representatives of both entities and supported by a consensus among all three constitutive peoples containing sustainable solutions in the spirit of contemporary democratic values. We encourage all participants in this process in Bosnia and Herzegovina to do all that is necessary for such an agreement to be reached. Also, Serbia views the ongoing process of the transition of authority from the Office of the High Representative to the European Union Special Representative in Bosnia and Herzegovina to be in accordance with the 2+3 principle of consensus.

In conclusion, I should like to say that the Republic of Serbia agrees with the assessments presented in the report of the High Representative and the conclusions of the European Union Council of 17 November concerning the role and contribution of the European Union-led peacekeeping force in maintaining security in Bosnia and Herzegovina. We therefore support the proposal of Office of the High Representative to extend the mandate of that mission.

The President: I now give the floor to Mr. Inzko to respond to the comments made and the questions raised.

Mr. Inzko: I should just like to make some general brief remarks. I should like to thank everybody for their contributions, support, encouragement, suggestions and, of course, the concern they have shown for Bosnia and Herzegovina. I would also like to sincerely thank Mr. Nikola Špirić, Chairman of the Council of Ministers of Bosnia and Herzegovina, for his frank and open assessment of the situation. Believe me, he has a very difficult job. I understand that very well.

Beyond that, I would like to speak briefly about the confusion that exists about my perceptions on two issues, especially on the Bonn powers. The Bonn powers have been used in the past around 900 times. Lord Ashton once invoked them 60 times in one day. This use of the Bonn powers is something that is now

in the past; they are being invoked less and less. Altogether, 180 politicians have been removed, among them three State Presidents. But, as I said, this is a concept of the past. I have used the Bonn powers only in eight areas, and have tried to do so in a way that is transition-driven, exit-driven, "5 plus 2" driven. The use was usually technical and aimed at finding a solution or in cases where the Dayton Agreement had been violated. I did not use the Bonn powers lightly, and, believe me, I was never happy about it, but, as I am the ultimate authority in the theatre, when it comes down to it and there is no other choice, I have to use them.

Concerning the report (S/2009/588*), any report is a reflection of reality, and is, I think, more valuable if reality is reflected. Every report, whether it be a European Union or a United Nations report, is, in a way, seismic, registering any tremor occurring anywhere in the world, whether in Asia, Latin America or Europe, even Bosnia and Herzegovina. I think it is right that it reflect such tremors correctly and precisely. We cannot turn a blind eye to such problems or brush them under the carpet. They will not diminish or disappear if we do so. Of course, I would be delighted, next time, to present a more upbeat report, a report of a sovereign, prosperous, and democratic Bosnia and Herzegovina, standing on its own and on its way to being fully integrated into the Euro-Atlantic integration. That is the wish of all of us, of course.

The President: There are no further speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 12.25 p.m.

United Nations S/PV.6223

Security Council

Sixty-fourth year

Provisional

6223rd meeting

Tuesday, 24 November 2009, 10 a.m.

New York

President:	Mr. Mayr-Harting	(Austria)
Members:	Burkina Faso	Mr. Tiendrébéogo
	China	Mr. Liu Zhenmin
	Costa Rica	Mr. Urbina
	Croatia	Mr. Vilović
	France	Mr. Araud
	Japan	Mr. Takasu
	Libyan Arab Jamahiriya	Mr. Shalgham
	Mexico	Mr. Puente
	Russian Federation	Mr. Churkin
	Turkey	Mr. Apakan
	Uganda	Mr. Rugunda
	United Kingdom of Great Britain and Northern Ireland	Sir Mark Lyall Grant
	United States of America	Mr. Wolff
	Viet Nam	Mr. Bui The Giang

Agenda

The situation in the Middle East, including the Palestinian question

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09-61821 (E)

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The meeting was called to order at 10.10 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in the Middle East, including the Palestinian question

The President: In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Haile Menkerios, Assistant Secretary-General for Political Affairs.

It is so decided.

The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

At this meeting, the Security Council will hear a briefing by Mr. Menkerios. I now give the floor to Mr. Menkerios.

Mr. Menkerios: Since Under-Secretary-General for Political Affairs Lynn Pascoe briefed the Security Council on 14 October, political efforts towards a negotiated two-State solution have reached a deep and worrying impasse, even as security and economic efforts have continued on the ground.

Members of the Council will recall the Quartet's support for President Obama's efforts to relaunch negotiations. In furtherance of those efforts, United States Secretary of State Clinton visited the region between 31 October and 4 November and President Obama met Israeli Prime Minister Netanyahu in Washington, D.C., on 9 November. However, it has not yet proven possible to resume negotiations.

In the absence of mutual commitments to fully implement Road Map obligations and agreed terms of reference for negotiations, an impasse has developed that must be overcome. A key challenge has arisen from the Israeli Government's proposal to restrain rather than freeze settlement activity. Such restraint would not conform to Road Map requirements and would reportedly not apply at all in occupied East Jerusalem. The importance of this issue was underscored on 17 November when a Government planning commission approved the addition of 900 housing units to significantly expand the settlement of Gilo on the southern outskirts of occupied East Jerusalem. Furthermore, there were 17 house demolitions carried out in East Jerusalem during the reporting period, including 7 over a two-day period on 17 and 18 November, leading to the total displacement of 99 Palestinians, more than half of whom were children.

The Secretary-General issued a statement deploring Israel's settlement activity. He reiterated that settlements were illegal, called on Israel to implement its Road Map commitments, and underlined that such actions undermine efforts for peace and cast doubt on the viability of the two-State solution. The Secretary-General separately expressed his dismay at the continuation of demolitions and evictions in Jerusalem. Basing their efforts based on well-known Quartet positions, the Quartet envoys are actively engaged on those issues.

On 5 November, President Abbas expressed his deep frustration at the political impasse in a televised speech. He stated that he had no desire to nominate himself in the forthcoming presidential elections and indicated that there were other steps he would take in due course. The Secretary-General has been in contact with President Abbas to underline his support for his leadership.

Earlier, on 23 October, in accordance with the Palestinian Basic Law, President Abbas issued a decree calling for presidential and legislative elections to be held on 24 January 2010, at the end of the four-year term of the Palestinian Legislative Council. However, on 28 October, Hamas declared that, in the absence of an intra-Palestinian reconciliation accord, it would not allow elections to be held in Gaza, and made threats against anyone planning to be involved in electoral preparations.

On 3 November, Hamas shut down the Gaza offices of the independent Central Elections Commission. The Commission announced on 12 November that holding elections on 24 January 2010 would no longer be possible. This is deeply regrettable. We hope that it will be possible in the future to hold free and fair elections throughout the occupied Palestinian territory.

Throughout this period, Egypt's efforts to secure factional agreement on its proposed reconciliation package continued. This package envisages elections in

June 2010. Fatah signed the latest Egyptian proposal on 12 October, while Hamas has so far failed to do so. This, too, is regrettable. We continue to support Egypt's efforts.

The political uncertainty on the Palestinian side has not interrupted continued Palestinian efforts to meet Road Map commitments, pursue economic and security cooperation, and build institutions for statehood. For instance, the Palestinian Authority security forces dismantled two unexploded devices near Jenin on 14 and 18 October. On 15 October, they handed over some 20 pipe bombs confiscated in Nablus to the Israel Defense Forces, which detonated them in a controlled manner. We continue to urge the Palestinian Authority to maintain its efforts to improve law and order, fight extremism and end incitement.

In a positive development with significant economic benefits for the West Bank, on 10 November the new Wataniya telecommunications company announced the launch of its commercial services in the West Bank, although the bandwidth required has yet to be released. Also on 10 November, the Jalameh crossing near Jenin was opened for Arab Israelis to cross by vehicle, allowing them to travel to Jenin, thus supporting local businesses and strengthening critical linkages between the West Bank and Israel.

Predictable and free movement and access both within the West Bank and between the West Bank and Israel has consistently been identified as an important factor for sustained economic development. There are currently 579 movement obstacles in the West Bank, down from 592 in September.

Despite those positive steps, financial challenges remain. As we approach the year's end, the overall projected Palestinian Authority budget deficit for 2009 is estimated at $1.5 billion, for which there is a projected financing gap estimated at $350 million. Although some donor funding is anticipated, without additional support, the Palestinian Authority is likely to be forced to resort to further commercial borrowing to meet its obligations. This will place additional pressure on fiscal sustainability in the future.

Tensions have continued from incidents involving Palestinians, Israeli security forces and settlers across the West Bank. During the reporting period, which coincided with the olive harvesting season, there were 45 recorded instances of Israeli settler attacks on Palestinians and olive trees, leading to 24 Palestinian injuries. On 12 November, an Israeli settler was indicted by an Israeli court for the murder of two Palestinians 12 years ago and other alleged politically motivated attacks. There were 26 incidents involving Palestinian violence towards Israeli settlers, in which seven settlers were injured. In addition to continued settlement activity, no steps were taken in the reporting period to remove unauthorized outposts erected since March 2001.

During this reporting period, 73 Palestinians were injured and over 300 arrested during Israeli raids in the West Bank, representing an increase from the previous reporting period. Clashes took place on an almost daily basis around the Qalandiya checkpoint between East Jerusalem and Ramallah, where an Israeli security guard sustained moderate injuries after being stabbed by a Palestinian woman on 25 October. We note that seven Hamas-affiliated members of the Palestinian Legislative Council, including the mayor of Jenin, were released by Israel on 1 and 2 November.

The situation in occupied East Jerusalem underscores the importance of parties refraining from provocations or incitement. In this context, in addition to continued settlement expansion and to the house demolitions in East Jerusalem I have already mentioned, armed settlers attempted on 30 October to take over a Palestinian house in East Jerusalem, leaving four Palestinians injured. On 3 November, a group of armed Israeli settlers escorted by Israeli security forces entered and took control of a Palestinian home in East Jerusalem, claiming legal ownership of the property.

There were renewed confrontations on 25 October around Haram al-Sharif/Temple Mount between Israeli security forces and Palestinians who were throwing stones. The clashes left 24 Palestinians and nine Israeli security personnel injured. Twenty-one Palestinians were arrested. We commend the efforts of the Hashemite Kingdom of Jordan in lowering tensions. We remind the Council that Palestinian institutions in East Jerusalem remain closed by Israeli order, contrary to Israel's Road Map obligations.

I now turn to Gaza. It is more than 10 months since the conclusion of Operation Cast Lead, but key elements of Security Council resolution 1860 (2009) are yet to be fulfilled. We remain worried about the longer-term consequences of the blockade of the Gaza Strip, particularly in terms of deteriorating public infrastructure, environmental degradation and the destruction of livelihoods. During the reporting period,

imported truckloads into Gaza mostly consisted of food items and hygiene products, and there were no exports.

To cope with immediate needs, the Office for the Coordination of Humanitarian Affairs is finalizing a winter response plan, representing the bare minimum required to address the most urgent humanitarian needs for winter, focusing on fuel requirements for the electricity plant; emergency infrastructure items such as sheeting, glass and roof tiles for repairs to houses, schools and clinics; and immediate water and sanitation material, such as water pumps. Full Israeli cooperation will be required to secure the urgent entry of these items.

The Israeli Government has indicated a readiness to facilitate water and sanitation projects. Two desalination units for UNICEF are currently being installed in the Gaza Strip after their entry was approved, but no materials have yet entered Gaza for three other projects whose approval was reported in previous briefings. The United Nations is compiling a comprehensive list of both urgent and long-term water and sanitation needs, along with material required, which will be presented to the Israeli Government in response to its stated willingness to work in a comprehensive and systematic manner on water and sanitation.

Beyond immediate humanitarian needs and the water and sanitation sector, I regret to inform the Security Council that the United Nations has not yet received a satisfactory response from the Israeli Government to the proposal, put forward in May, to complete $77 million-worth of stalled projects of the United Nations Relief and Works Agency for Palestine Refugees in the Near East and the United Nations Development Programme in the area of housing units and school and health facilities. The United Nations has left no stone unturned in seeking approval of this package in extensive consultations with the Israeli authorities, and is confident of its capacity to ensure the integrity of programming. It is completely unacceptable that no meaningful progress has been made in kick-starting United Nations civilian construction activities essential to the well-being and recovery of a war- and blockade-affected population, half of whom are children.

According to Israeli Government officials, arms continued to be smuggled and increased-capability rockets have been test-fired from the Gaza Strip, including rockets with a 60-kilometre range capable of reaching Tel Aviv. Egyptian efforts to counter smuggling of such materiel into the Strip have continued. During the reporting period, 12 rockets and mortars were fired from Gaza into southern Israel. There were no Israeli casualties. Israel conducted 19 incursions and nine air strikes on the Strip, which left one Palestinian child dead and 22 Palestinians injured. Five Palestinians are reported to have been killed and 22 injured in accidents involving the collapse of tunnels between Gaza and Egypt.

Within Gaza, on 9 November, Hamas closed down the International Federation of Journalists and public assembly remains severely restricted. On a positive note, practical cooperation between the Palestinian Authority Ministry of Waqf and Hamas in Gaza has so far allowed 2,500 pilgrims to leave Gaza to perform the pilgrimage. An immediate concern is that approximately 750 students in Gaza have been unable to leave the Strip in pursuit of higher education opportunities abroad and are now at imminent risk of losing their places at university, tuition deposits and visas.

Efforts continue to secure the release of Israeli Corporal Gilad Shalit, along with a number of the more than 9,000 Palestinian prisoners in Israeli jails. The Secretary-General has continued to reiterate his call for Corporal Shalit's release. Likewise, he has underscored the importance of the release of Palestinian prisoners, as emphasized by President Abbas.

On 5 November, the General Assembly adopted resolution 64/10, entitled "Follow-up to the report of the United Nations Fact-Finding Mission on the Gaza Conflict". In accordance with the request contained in the resolution, the Secretary-General transmitted the report of the Fact-Finding Mission to the Security Council on 11 November.

Regarding comprehensive regional peace, during the reporting period both the Israeli and Syrian leaderships were engaged through third parties in efforts to explore prospects for making progress. However, there have been no concrete developments in this regard. On 15 October, two Syrian prisoners from the occupied Golan were released by Israel. On the ground, the situation in the occupied Syrian Golan remained quiet during the reporting period, although Israeli settlement activity continues.

On 9 November, President Sleiman and Prime Minister-designate Saad Hariri signed the decree

forming Lebanon's seventieth Government, five months after the parliamentary elections of 7 June. The Secretary-General welcomed the formation of a national unity Government and expressed his hope that Lebanese political leaders would continue to work steadfastly in the spirit of unity, dialogue and cooperation. A ministerial statement is yet to be agreed upon, after which Parliament is expected to express confidence in the new Government and its programme. The United Nations looks forward to working with the new Government to implement Security Council resolutions and to address the substantive challenges facing Lebanon.

Since the briefing made to the Council on the report (S/2009/566) on the implementation of resolution 1701 (2006), the situation in the area of operations of the United Nations Interim Force in Lebanon has remained quiet However, air violations have continued on an almost daily basis.

Last month, Mr. Pascoe reminded the Security Council (see S/PV.6201) that, without a credible political horizon — including commitments made, monitored and kept, and a calling to account when obligations are breached — forces of violence, tension and extremism on both sides will fill the vacuum. We now face the very real danger of such a vacuum, with no Israeli-Palestinian negotiations under way, no agreed terms of reference for such negotiations and no framework in place to ensure the implementation of Road Map obligations, as demonstrated by the incidents reported on during this period.

The decision of President Abbas not to seek a new term as Palestinian President, in a context of uncertainty over both elections and Palestinian unity, reflects a worrying assessment, from a leader unquestionably devoted to peace, that the political process lacks sufficient content and credibility at this time. This is a loud and clear wake-up call. If we cannot move decisively forward to a final status agreement, we risk sliding backwards, with both the Palestinian Authority and the two-State solution itself imperilled.

Together with Quartet partners, the Secretary-General remains active in seeking a clear strategy on the way forward. He believes that this requires immediate actions on the ground to strengthen the process, a reaffirmation of Road Map requirements and the need for their implementation, and clear terms of reference for negotiations on all core issues that are grounded in the resolutions of the Council and agreements reached between the parties. It is vital at this juncture that the international community take a clear and united position.

The President: I thank Mr. Menkerios for his briefing.

In accordance with the understanding reached in the Council's prior consultations, I now invite Council members to informal consultations to continue our discussion of the subject.

The meeting rose at 10.35 a.m.